

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 10, 2002
Tuesday, 9:02 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotta, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Liz Owens, Baha', gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes --
-- approved

The Minutes of the regular meeting of August 20, 2002, and special meeting of September 3, 2002, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS

Proclamations previously approved were presented.

PUBLIC AGENDA

King David Davis – Special Acknowledgements.

King David Davis

King David Davis gave thanks to many and urged approved of the Police Chief's choice of helicopter.

James Barfield – Police.

James Barfield

James Barfield spoke of Lt. Tom Spencers courage and bravery and asked that the City Council give Lt. Spencer the highest award of valor.

Richard Lopez – Latin Soccer League.

Richard Lopez

Richard Lopez said the Latino Soccer League is trying to get a permanent site. The current temporary location at 37th and Ohio is completely satisfying. The proposed location down the street is too small. Mr. Lopez asked that the temporary site at 37th and Ohio be made the permanent site.

Joe Wilson – Improvement to Westdale and Zoo Intersection.

Joe Wilson

Joe Wilson presented a proposal for an additional right-turn lane on Westdale to "double" the amount of traffic that can turn in the same allotted time. Mr. Wilson proposed that the turn-lane be done at the same time the water main pipe is installed.

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NEW BUSINESS

WATERLINE

PETITION TO CONSTRUCT A WATERLINE ALONG BEBE, NORTH OF CENTRAL.

(District VI)

Neil Cable

City Engineer reviewed the Item.

Agenda Report No. 02-1761

The signatures on the Petition represent 7 of 16 (43.75%) resident owners and 58.33% of the improvement district area. District VI Advisory Board held an August 5, 2002, neighborhood hearing on the Petition. The Board voted 9-0 to recommend approval.

The project will serve a developed residential area.

The estimated project cost is \$51,000, with the \$49,000 assessed to the improvement district and \$2,000 paid by the Water Utility. The Utility share is for the cost of eliminating a dead-end main. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.26 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Fearey moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-397

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89709, (along Bebe, from Central to Elm) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 02-1762

On July 16, 2002 a report was submitted with respect to the dangerous and unsafe conditions on three (3) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on September 10, 2002.

On July 1, 2002, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

	Address	District
1)	1508 North New York	I
2)	1527 North Ash	I
3)	4330-32 East Wilma	III

Pursuant to State Statute the Resolutions were duly published twice on July 17, 2002 and July 24, 2002. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

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If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owners of these findings.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the public hearing be closed; that the Resolutions for Item 1 (1508 North New York) and Item 3 (4330-32 East Wilma) declaring the buildings as being dangerous and unsafe structures be adopted; the BCSA recommended action to proceed with condemnations allowing 10 days to start demolitions and 10 days to complete removal of the structures be accepted, with any extensions of time granted to repair the structures conditional on the following: (1) All taxes have been paid to date, as of September 10, 2002; (2) the structures have been secured as of September 10, 2002, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of September 10, 2002, and will be so maintained during renovations. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

-- carried

RESOLUTION NO. 02-398

Resolution finding that the structure described as: Lots 11 and 13, Union Now New York Avenue, Milford's Replat of part of Spring Grove Second Addition, to City of Wichita, Sedgwick County, Kansas, commonly known as 1508 North New York, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-400

Resolution finding that the structure described as: Lot 19, Block F, Hilltop Manor, a Replat of parts of Hilltop Manor and Hilltop Manor Second Addition, to Wichita, Sedgwick County, Kansas, commonly known as 4330-32 East Wilma, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

2) 1527 North Ash

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item and said an attorney representing a bank was present and had expressed interest in trying to save the property. The Superintendent of Central Inspection recommended a 30-day deferral, and the property immediately be mowed and secured.

Motion --

Knight moved that the public hearing be closed; that Item 2 (1527 North Ash), be deferred for 30 days on condition that the property be mowed and secured immediately. Motion carried 7 to 0.

-- carried

HUD

HUD CONSOLIDATED PLAN ANNUAL PERFORMANCE AND EVALUATION REPORT.

Tom Smith

Grants In-Aid Coordinator reviewed the Item.

Agenda Report No. 02-1763

The City is required to prepare a Consolidated Annual Performance and Evaluation Report (CAPER) for projects covered by the HUD Consolidated Plan. The CAPER includes activities of the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME) and the Emergency Shelter Grant (ESG) programs covering the period from July 1, 2001 through June 30, 2002.

During the reporting period, residents of the City of Wichita received direct benefits from CDBG capital improvements, housing and public services. The CDBG program provided benefits to more than 41,771 (duplicated) low and moderate-income persons and included 21,519 square yards of concrete for streets, sidewalks, wheelchair ramps and driveway improvements, seven neighborhood clean-ups were provided as well as 504 housing units were rehabilitated. The HOME program assisted 32 households

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to secure affordable housing and 8 households received rehabilitation assistance through the Deferred Loan Program. The Emergency Shelter Grant provided services to 1,442 persons (cumulative) by providing short-term shelter, case management and other services to homeless persons and victims of domestic abuse.

The total expenditures for the 2001/2002 fiscal year were \$6,530,363. The expenditures consist of \$4,537,850 for the CDBG program, \$1,890,707 for HOME Investment Partnerships program and ESG expenses were \$101,806.

The City is required to provide an opportunity for citizens to review and comment on the CAPER prior to submitting the CAPER to the U.S. Department of Housing and Urban Development (HUD). On August 22, 2002, the City published a notice in the Kansas State Globe and on August 24, 2002 in the Wichita Eagle accepting public comments until September 9, 2002. The CAPER was made available to the public through the Neighborhood City Halls, Finance Department, Housing Services Department, City Council Office, City Manager's Office and all branches of the Wichita Public Library. No comments were received.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the public hearing be closed, the HUD Consolidated Annual Performance and Evaluation Report be received and filed; and submission to the U.S. Department of Housing and Urban Development be authorized. Motion carried 7 to 0.

-- carried

SEWAGE TREATMT. SEWAGE TREATMENT PLANT NO. 1 MODIFICATIONS.

David Warren

Director of Water and Sewer reviewed the Item.

Agenda Report No. 02-1764

According to the 2000 Sanitary Sewer Master Plan Update, some near-term odor control upgrades and reliability improvements are required at Plant No. 1 to allow decommissioning of the plant to be delayed until 2050. By 2050, activities at Plant No. 1 will be reduced to influent pumping, screening, and extraneous flow equalization.

Modifications and upgrades recommended for Plant No. 1 are:

- Odor control measures for primary clarifiers
- Concrete rehabilitation of primary clarifiers
- Improve/replace screening sluicing system
- Replace primary sludge pumps
- Rehabilitation of Digester No.7 for sludge holding; add pumping to the Digester
- Grit system improvements
- Controls upgrade

The Sewage Treatment Plant modification is a candidate for design/build. By using the design/build approach, the engineer and contractor will work together to develop the most cost-effective way to meet the goals of reducing odor problems and increasing plant reliability.

Cost estimation for the improvements is \$5,200,000. Funding is available in Plant 1 Improvements (CIP S-523).

In accordance with Charter Ordinance 111, City Council approval is required for a "design-build" project.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the design/build project be approved; the Resolution be adopted; and the requests for proposals be authorized. Motion carried 7 to 0.

-- carried

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RESOLUTION NO. 02-401

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$5.2, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RECESS

The City Council recessed at 9:48 a.m. and reconvened at 9:58 a.m.

EASTBANK DEV.

EASTBANK DEVELOPMENT AGREEMENT AND MASTER PLAN. (District I)

Bill Livingston

Bill Livingston, Gossen Livingston, reviewed the proposal.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 02-1765

The City has targeted the EastBank along the Arkansas River, between and Main Street and Kellogg Avenue, for major redevelopment dating back to the 1950's. The construction of Century II, the Public Library Main Branch, Expo Hall and the Hyatt Regency Hotel has transformed the once blighted industrial area into the City's showcase. Since the early 1990's, the City has undertaken an ambitious program of downtown revitalization made possible through a series of public-private partnerships that have resulted in the development of Old Town, the State Office Building, the Hyatt, Exploration Place, Eaton Place, Transit Center, Ice Sports Center and others. To complete the redevelopment of the EastBank, the City sought-out private developers capable of partnering in a major urban development endeavor.

In late 2001, the City issued a Request for Proposals (RFP) soliciting prospective private partners to complete the redevelopment of the EastBank area. On July 2, 2002, the City Council approved Riverwalk, L.L.C. as the preferred developer for the EastBank Redevelopment Area and authorized a Memorandum of Understanding and Agreement to Negotiate Exclusively (MOU) with the developer. Riverwalk, L.L.C. is a group of highly experienced local developers that includes Messrs. Jack DeBoer, Dave Burk, Dave Wells and Greg Kossover. The MOU established a basis for negotiating public and private obligations that would be set forth in the form of a development agreement for City Council consideration.

On August 13, 2002, the City Council approved a contract with Gossen Livingston Associates for preparation of the EastBank Master Plan, the cost of which would be shared equally between Riverwalk, L.L.C. and the City. The purpose of the Master Plan was to more fully define the objectives, scope and potential costs of the overall redevelopment project being proposed.

The EastBank Master Plan has been completed and copies provided. The Master Plan goals for the EastBank include: creation of a long-range plan and vision for the EastBank redevelopment area; change an urban liability into an opportunity for sightseeing, shopping and entertainment; create a significant number of local jobs and local economic stimulation; create guidelines to guide a first-class development and provide for a phased development which allows flexibility and the highest and best use of real estate. The Master Plan recommended objectives are: create a new multi-access waterway system in downtown Wichita creating additional water frontage and increased real estate uses and values; create an attractive public access to and along the entire Arkansas River frontage; achieve an integrated design that interfaces with the Hyatt Hotel, Waterwalk Park, Century II/Expo Hall and other key cultural and events centers; incorporate a mixed-use concept including office, retail, residential and waterfront restaurants and pedestrian-friendly open areas with appropriate parking for enjoyment of residents and tourists.

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Concurrently with the completion of the Master Plan, the City obtained options on the real property needed for the development of the project pursuant to previous City Council action and completed negotiations of a Development Agreement with the Preferred Developer. The key elements of the Development Agreement include the following:

- Public improvements that include acquisition of land, construction of a parking garage, waterway, riverbank improvements and Wichita Street turnaround.
- Private investment that includes development of four (4) office buildings, over 250 units of; high-end residential housing, retail, entertainment and restaurants at a conservatively estimated; cost of \$85 million.
- A 99-year lease for use of the land needed for private development with lease payments based on a profit-sharing formula.
- Phased project approach to reduce public risk: Phase 1A public improvements occurring south of Lewis Street and Phase 1B north.
- Built-in private sector financial guarantees of \$24 million as a condition of starting Phase 1A public improvements and \$9.6 million for Phase 1B.
- Developer agrees to pay an amount equal to projected taxes on the private sector guaranteed development if public improvements are built and private development does not proceed.
- Estimated operations and maintenance costs for waterway, parking garage and streets are included in identified funding sources.
- Developer responsible for all outdoor maintenance including landscaping, public art, outdoor furniture, sidewalks and greenspace.
- City shares profits with developer after minimum rates of return achieved.

A number of public benefits would also result from the project. These include:

- Creation of significant, immediate jobs
- Creation and retention of up to 500 long-term jobs
- Creation of significant land values where little exists
- Convention and tourism attraction
- Increase in sales and property taxes
- Stimulate downtown area revitalization
- Enhances the tax base.

The cost of the EastBank public improvements are \$30,850,000, excluding construction financing of \$2.1 million. The sources of funding for the public improvements are: tax increment financing from the private development (estimated \$19.6 million); parking revenue (estimated \$3 million); EDA grant (estimated \$1.5 million); and reprogramming the Core Area Capital Improvement Program (CIP) funds (approximately \$8.9 million) from previously budgeted capital projects.

A bonding resolution is required to incur costs for the project.

Ray Trail said a WSU Study showed a 2.27 to 1 ratio benefit to the community.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

The following persons spoke in favor of the project:

John Rolfe, Convention/Visitors' Bureau
Sam Williams, Business Investment Group
Ed Wolverton, Wichita Downtown Development Corporation
Larry Weber, Building Owners and Managers Association
Susan Clark, Ryan International
Michael Biggs, private citizen
Gerald Barrack, Hyatt Regency
Lori Usher, Economic Development Commission
Jack Kellogg, Delano business owner
Ray Rancuret, Delano Neighborhood Association
John Brewer, Merchants of Old Town Association
Bill Greer, Airbus Engineering

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Leo Goseland, broker

The following persons spoke against the project:

Karl Peterjohn, Kansas Taxpayers Network

Sybil Strum, private citizen

Ben Huie, private citizen

Jack DeBoer

Jack DeBoer, project developer requested unanimous approval of the capstone to investment in Downtown Wichita. It is a task to see to it that the museum institutions are vital. More reason needs to be given for people to come to the community and the museums. The WSU Study shows this project will have a positive return on investment.

Mayor Knight momentarily absent with Vice Mayor Martz in the Chair.

Council Member Lambke Council Member Lambke said he was unsure why there is an atmosphere of urgency. This issue was not sent to the District Advisory Boards. Council Member Lambke said he had to ask himself "What is the function of government?"

Council Member Martz Council Member Martz stated that one of the primary concerns for the City is the image of the City with vacancies in the downtown area – the need to fill the buildings and get jobs. The struggle with vacancies brings question to justifying building new buildings. Council Member Martz stated that he would prefer holding off a little to look at the over-all project and see what can be done to bring people to Downtown Wichita. This is not the right project at the right time.

Council Member Gale Council Member Gale, referring to the cost benefit study and other financial projections, expressed concern regarding the accuracy of the benefit study and financial projections. Council Member Gale said he is supportive of the downtown area and hoped something would be done on the EastBank that would make sense to all.

Mayor Knight Mayor Knight said the project presents opportunities with entertainment, culture, house, and offices to help reverse the decline of Downtown. This is the time to stretch and extend the City's reach. This is the time in the life of the City of Wichita to take a stand.

Motion -- Pisciotte moved that the Development Agreement, Master Plan, and amendment to the Core Area CIP be approved; and the Resolution be adopted (all subject to any minor modifications as approved by the City Attorney). Motion carried 4 to 3. (Gale, Lambke, Martz; No)

-- carried

RESOLUTION NO. 02-402

A Resolution authorizing the issuance of General Obligation Bonds of the City of Wichita, Kansas to pay the costs of certain public improvements included in the redevelopment of the East Bank Redevelopment Area, presented. Pisciotte moved that the Resolution be adopted. Motion carried 4 to 3. Yeas: Brewer, Fearey, Pisciotte, Knight. Nays: Gale, Lambke, Martz.

RECESS

The City Council recessed at 11:58 a.m. and reconvened at 12:17 p.m.

HOUSING

HOUSING SERVICES DEPARTMENT EXPANSION.

Roy Johnson

Director of Housing reviewed the Item.

Agenda Report No. 02-1764

In 1999, a reorganization/transformation study was completed of the Human Services Department and as a result, this department was eliminated and staff was assigned to other departments to the newly created Housing Services Department. Staff involved in housing activities and located at City Hall were relocated to 332 North Riverview. This facility already provided office/warehouse space for housing

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staff, but needed to be remodeled to accommodate the staff involved in the move from the City Hall location.

Section 8 Program staff has always been located at 307 North Riverview primarily utilizing space on the first floor of this public housing facility. Since 1999, the Section 8 Program has increased as a result of additional voucher awards from HUD. The number of staff assigned to this program has increased because of the regulations imposed by HUD to properly administer this growing program. In addition to the programmatic increases, the Adopted 2003 Budget authorized the CDBG Program to be reassigned from the Finance Department to the Housing Services Department, creating an additional demand for office space.

The Housing staff has engaged architectural services to provide a cost estimate for adding additional space at the 332 North Riverview location and the 307 North Riverview location with the intent to select the most cost effective location for expansion. As expansion was being considered at these two locations, the declining usage of the City-owned facility at 1631 East 17th Street, currently occupied by Wichita Family Services Institute, Inc. offered another option for consideration (in lieu of expanding current housing office facilities). The 1631 E. 17th facility was constructed with Public Housing funds and previously served as the Public Housing Maintenance facility.

The Family Services Executive Director recently approached the City to seek ways to make her organization more viable (this organization has experienced a reduction in funding and consequently staffing and office space). Because of these reductions, the agency's office space needs have been reduced. Currently, the Family Services Agency is only open to the public three days a week. Staff met with the Director of the organization and determined that because of the reduced operations of the agency, its limited space needs would present an opportunity to co-locate the Housing Office and still allow for the Family Services operations to continue, to operate in the same building. The agency's director noted that one advantage to the co-location is that the City's clients and the agency's clients could obtain information about services at a single location in the neighborhood.

The Family Services has explored options with Sedgwick County to co-locate Health Department services at this location. Initial discussions between Family Services and Sedgwick County centered on the idea of moving the Sedgwick County WIC program (and associated staff) to this location and having the County pay rent to the Wichita Family Services Institute, Inc. for utilization of this space. Under current HUD CDBG regulations, the City is not able to allow Family Services to sublease this facility to another organization since CDBG funding was utilized for past renovation work of this facility. CDBG regulations provides that any rent payments - in excess of actual facility operating costs - are considered program income and have to be returned to the CDBG program. However, the City could lease the building to both Family Services and to Sedgwick County with the rental income used to defray operation and maintenance costs of this City-owned building. Based upon CDBG regulations and the desire to assist Family Services in reducing its overhead costs (Family Services is currently responsible for all building operational and maintenance costs and have communicated that this is a substantial financial burden on the organization), Housing staff has proposed to take over operation and maintenance and charge Family Services appropriate rent for its share of the space.

Housing Services has outgrown its current locations and needs additional space to accommodate program growth and the staff that will be transferred to this Department from the Finance Department. Three options for expanding Housing Services' office space are under consideration:

- 1) Expand space in the currently owned buildings at 332 North Riverview
- 2) Expand space in the City's 307 North Riverview property; or
- 3) Relocate offices in the currently owned, but leased property at 1631 East 17th Street

The cost estimate for expanding at the 332 North Riverview location is \$327,435; the estimate for expansion at 307 North Riverview is \$305,125. The architect's preliminary estimate for remodeling 1631 East 17th Street for co-locating with the Family Services offices is \$225,000 and includes mechanical, office, parking lot improvements, and the construction of a maintenance staging/storage area to the rear of the building.

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After review of the options for fully utilizing the facility at 1631 East 17th and addressing the expansion needs of the Housing Services Department, staff is recommending renovation of the 1631 East 17th Street facility and relocating Public Housing staff to this facility. This use would allow full utilization of an already City-owned facility for City operations and a complementing agency. It may reduce the Family Services overhead costs (by eliminating the responsibility for operation and maintenance of the building) and allow the agency to continue to have a presence in the neighborhood. Although the cost estimates are preliminary, it appears as though this is the most cost effective alternative. Finally, maintenance, including any capital expenditures, becomes the responsibility of the Housing Services Department. In the past, Family Services requested, and the City paid for major repairs utilizing CDBG funding as the agency was unable to absorb these costs. (The agency as a tenant is responsible for minor building maintenance costs but pays no rent). New mandatory HUD expenditure standards do not allow a carry-over of CDBG reserve funds making it more difficult for the City to find funding for major capital expenditures.

The Housing Services Department has sufficient funds from its HUD Capital Grant to cover the cost of remodeling this facility at 1631 East 17th and for ongoing operation and maintenance costs.

The Law Department will approve contracts as to form.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Brewer moved that Staff be authorized to proceed with architectural services for remodeling the facility at 1631 East 17th Street and enter into a Contract for leased space with Wichita Family Services Institute, Inc. for designated space. Motion carried 7 to 0.
-- carried

CITY COUNCIL AGENDA

VOTING DELEGATES SELECTION OF LEAGUE OF KANSAS MUNICIPALITIES ANNUAL CONFERENCE VOTING AND ALTERNATE VOTING DELEGATES.

The City of Wichita may select up to a maximum of five (5) voting delegates and five (5) alternate voting delegates to represent the City in the conduct and management of the affairs of the League at the Annual Conference to be held in Wichita, October 12-15, 2002.

Motion -- Knight moved that Pisciotte, Brewer, Martz, Gale and Fearey be approved as voting delegates.
-- carried Motion carried 7 to 0.

VOTING DELEGATES SELECTION OF NATIONAL LEAGUE OF CITIES ANNUAL BUSINESS MEETING VOTING AND ALTERNATE VOTING DELEGATES.

The City of Wichita may select one Voting Delegate and one Alternate Voting Delegate to represent the City in the conduct and management of the affairs of the National League of Cities at the Annual Congress of Cities – Salt Lake City, Utah, (Business Meeting) December 7, 2002.

Motion -- Knight moved that Brewer be approved as the voting delegate and Pisciotte be approved as the alternate. Motion carried 7 to 0.
-- carried

APPOINTMENTS BOARD APPOINTMENTS.

Motion -- Fearey moved that Jaimie Lopez be appointed to the Community Corrections Housing Board. Motion carried 7 to 0.
-- carried

Motion -- Lambke moved that the reappointment of Stephanie Schroeder to the Police and Fire Retirement Board be approved. Motion carried 7 to 0.
-- carried

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OFF AGENDA ITEM PRESENTATION OF KEY TO CITY

Motion -- Pisciotte moved that the rules be set aside and an Item be taken up off the Agenda. Motion carried
-- carried 7 to 0.

Council Member Pisciotte Council Member Pisciotte said the Navy's Blue Angels and the Army's Golden Knights will be at the 2002 Airshow at McConnell Air Force Base and recommended that each group be given a Key to the City.

Motion -- Pisciotte moved that the Navy's Blue Angels and the Army's Golden Knights each be given a Key to
-- carried the City. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, except Item 26, be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 9, 2002.

2002 sanitary sewer rehabilitation, Phase F (various locations) - east of Seneca, south of 13th Street. (468-83481/620351/662474) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, VI)

Insituform Technologies - \$108,070.80

2002 sanitary sewer reconstruction, Phase 6 (various locations) - west of Hydraulic, north of Pawnee. (468-83482/620352/662475) Traffic to be maintained during construction using flagpersons and barricades. (District I, III, IV)

WB Carter Construction - \$318,102.00

Storm Water Sewer 572 to serve Ridgeport Commercial Park and Ridge Port Second Addition - north of 29th Street North, west of Ridge. (468-83465/751317/485208) Does not affect existing traffic. (District V)

Utility Contractors - \$171,936.00

Water distribution system to serve Northeast Middle School Addition - south of 45th Street North, west of Oliver. (448-89703/735072/470742) Does not affect existing traffic. (District I)

WBW Contractors - \$31,823.00

Drive and parking lot Improvements for Southlakes Park - east of Meridian, south of 47th Street South. (472-83603/785028/392160) Traffic to be maintained during construction using flagpersons and barricades. District IV)

Cornejo & Sons Inc. - \$402,805.00 (Base bid total)

2002 sanitary sewer reconstruction Phase 5 - east of West Street, north of Maple - 468-83476/620349/662472. Traffic to be maintained during construction using flagpersons and barricades. (District III, IV & VI)

WB Carter Construction - \$128,800.00

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Lateral 329, Four Mile Creek Sewer to serve Samra Second Addition - north of Central, west of Greenwich. (468-83395/743911/480599) Does not affect existing traffic. (District II)

Wildcat Construction - \$58,359.00 (Negotiated at Engineer's estimate)

Lateral 485, Southwest Interceptor Sewer to serve Fossil Rim Estates Addition/Unplatted Tract A - south of 29th Street North, east of Tyler. (468-83448/743937/480625) Does not affect existing traffic. (District V)

Duling Construction \$177,715.00

Maize Court and construct sidewalk in Chadworth Plaza - north of 21st Street North, east of Maize. (472-83538/765748/490859) Does not affect existing traffic. (District V)

Cornejo & Sons Inc. - \$128,391.55

Boston Park Tennis Court Reconstruction 2002 Park CIP - east of Woodlawn, north of Boston. (472-83544/785030/393162) Traffic to be maintained during construction using flagpersons and barricades; and College Hill Park Tennis Court Reconstruction 2003 Park CIP to serve College Hill Park - east of Roosevelt, south of Bluff. (472-83619/785030/393162) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Australian Courtworks – \$ 64,864.00 (Boston Park Tennis Courts)
\$ 10,285.00 (Alternate #1)
\$ 49,614.00* (College Hills Tennis Courts)
\$124,763.00 (Total aggregate bid)

*Negotiated at Engineer's estimate

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Four Mile Creek Wastewater Treatment Facility Improvements. 624068)

Snodgrass & Sons Construction Co. Inc. - \$5,552,596.00 (Total base bid)
\$ 58,194.00 (Alternate B total additive)
\$ 208,211.00 (Alternate D Additive)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDING DIVISION: Boathouse Exterior Painting and Repairs. (130823)

H T Painting Contractor - \$19,275.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Evergreen Branch Library Furniture. (782374)

Kansas Contract Design - \$99,300.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDING DIVISION: Replace and Paint Wood Beams and Miscellaneous Repairs at Evergreen Recreation Center. (602444)

Caro Construction Co., Inc. - \$21,789.00 (Total net bid)

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PUBLIC WORKS DEPARTMENT/FLEET & BUILDING DIVISION: Remodeling at Hyde Park.
(602466)

Caro Construction Co., Inc. - \$18,326.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDING DIVISION: Replace Shower Tile at Fire
Stations #1 and #2. (602446)

Bob Smith Tile Co. Inc. - \$13,000.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDING DIVISION: Boiler Repairs at Wichita
Historical Museum. (602441)

Wichita Burner Inc. - \$7,520.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDING DIVISION: Roofing Repairs at Expo Hall.
(792375)

Roofworks, LLC - \$9,175.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDING DIVISION: Evergreen Branch Library
Security Systems. (792374)

3M Safety and Security Systems Division - \$20,245.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDING DIVISION: Chiller and Pump
Replacement at the Mid-American Indian Center. (602450)

The Waldinger Corp. - \$119,734.00 (Total net bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Sand, Gravel, Rock, Mud Balls, Top Soil and
Fill Dirt. (132225)

A-Plus Inc./DBA A-Plus Trucking - \$7.25 (Item 11/per ton – Bid redirected)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid,
and the necessary signatures be authorized. Motion carried 7 to 0.

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
Lan T. Ta	Kim Huong Restaurant*	1410 North Broadway
		<u>(Consumption off Premises)</u>
Stan Edde	Falley's Inc., dba Food 4 Less #18	6727 West Central
Stan Edde	Falley's Inc., dba Food 4 Less #23	2141 South Meridian
Stan Edde	Falley's Inc., dba Food 4 Less #37	3020 East Douglas
Stan Edde	Falley's Inc., dba Food 4 Less #38	640 North West Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried
7 to 0.

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PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub-Division Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES :

- a) Goebel, from the east line of Lot 29, Block 1, to and including cul-de-sac to serve Harrison Park Second - Addition - north of Harry, east of Webb. (472-83612/765747/490858) Does not affect existing traffic. (District II) - \$133,000
- b) Lateral 335, Four Mile Creek Sewer to serve Harris on Park Second Addition - north of Harry, east of Webb. (468-83475/743935/480623) Does not affect existing traffic. (District II) - \$41,000
- c) Lateral 24, Cowskin Interceptor Sewer to serve Highland Springs Second Addition - west of 135th Street West, south of Central. (468-83029/743938/480626) Does not affect existing traffic. (District V) - \$130,000
- d) Lateral 3, Main 2, North West Interceptor Sewer to serve Chadsworth Plaza -north of 21st Street North, east of Maize. (468-83447/743936/480624) Does not affect existing traffic. (District V) - \$26,000
- e) Water distribution system to serve Chadsworth Plaza - north of 21st Street North, east of Maize. (448-89691/735074/470744) Does not affect existing traffic. (District V) - \$26,000
- f) Water distribution system to serve Harrison Park Second Addition - north of Harry, east of Webb. (448-89706/735073/470743) Does not affect existing traffic. (District II) - \$33,000
- g) Alley between Mead and Mosley from 10th to 11th Streets North to serve Sankey and McCall's Addition - south of 13th Street North, east of Broadway. (472-83254/765646/490757) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$81,000

Motion – carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Sanitary Sewer Easement dated August 5, 2002 from Joe D. Davison and Karla Kessler-Davison, husband and wife, and Richard G. Chance and Carol L. Chance, husband and wife for a tract of land in Lot 1, Block 1, Peppermint Park Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA# 607861). No cost to City.
- b) Drainage Easement dated August 5, 2002 from Box Development, L.L.C., a Kansas Limited Liability Company for a tract of land in the NE 1/4 of Sec. 33, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas (Private Project, OCA# 607861). No cost to City.
- c) Drainage Easement dated August 7, 2002 from TDFW, L.L.C., a Kansas Limited Liability Company and Starr Investments, L.L.C., a Kansas Limited Liability Company for a tract of land in Lots 4 and 5, Block A, College Hill Square, Wichita, Sedgwick County, Kansas (Private Project, OCA# 607861). No cost to City.
- d) Sanitary Sewer Easement dated August 3, 2002 from Sylvia E. Frederick for a tract of land in Section 32, Twp. 26-S, R-1-E of the 6th P.M., Sedgwick County, Kansas (Lat 141, M4, SS23, OCA# 743922). No cost to City.
- e) Sanitary Sewer Easement dated August 7, 2002 from Jeffrey L. and Lorena J. Holland for a tract of land in Lot 10, Block 3, Prairie Woods Addition, Sedgwick County, Kansas (Lat 484, SWI, OCA# 743923). No cost to City.

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f) Sanitary Sewer Easement dated August 21, 2002 from Marion M. Johnson and Beberly V. Johnson for a tract of land in Lot 1, Block A, Bike & Rider Addition, Sedgwick County, Kansas (Lat 484, SWI, OCA# 743923). No cost to City.

g) Sanitary Sewer Easement dated August 15, 2002 from Wichita Habitat for Humanity for a tract of land in Lots 141 and 143, Ewing Avenue, Now Mathewson Avenue, in Granville Park Addition to the City of Wichita, Sedgwick County, Kansas (SS Recon Ph 6, OCA# 620352). No cost to City.

h) Sanitary Sewer Easement dated August 15, 2002 from Wichita Habitat for Humanity for a tract of land in Lots 139, Ewing Avenue, Now Mathewson Avenue, in Granville Park Addition to the City of Wichita, Sedgwick County, Kansas (SS Recon Ph 6, OCA# 620352). No cost to City.

i) Water Easement dated July 1, 2002 from Root Dry Goods Company, Inc., an Indiana Corporation for a tract of land in Lot 8, Towne West 2nd Addition, Wichita, Sedgwick County, Kansas (PPW 827, OCA# 607853). No cost to City.

Motion
-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized
Motion carried 7 to 0.

PAVING

PETITION TO PAVE GREAT PLAINS, 34TH STREET, AND RIDGEWOOD IN GREAT PLAINS BUSINESS PARK THIRD ADDITION – EAST OF OLIVER, NORTH OF K-96.
(District I)

Agenda Report No 02-1765

On June 4, 2002, the City Council approved a paving project in Great Plains Business Park 3rd Addition. Based on recent bid prices, it is doubtful a construction contract can be awarded within the budgets set by the Petition. The developer has submitted a new Petition with an increased budget. The signature on the Petition represents 100% of the improvement district.

The project will serve a new industrial development located east of Oliver, north of K-96.

The original Petition totaled \$552,000. The new Petition totals \$600,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-403

A Resolution amending Resolution No. 02-270, pertaining to the improving of Great Plains, 34th Street North and Bridgewood from the north line of 35th Street North adjacent to part of Lot 1 and adjacent to Lots 2 through 6, Block 2, to the north line of 36th Street North (east of Oliver, north of K-96) 472-83550, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

IMPROVEMENTS

PETITIONS FOR STREET PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE PART OF SAWMILL CREEK ADDITION – EAST OF ROCK, NORTH OF 45TH STREET NORTH. (District II)

Agenda Report No. 02-1766

The Petitions have been signed by one owner, representing 100% of the improvement districts.

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These projects will provide paving, sanitary sewer, and water service to a new residential development.

The Petitions total \$766,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-404

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89712 (east of Rock, North of 45th Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-405

Resolution of findings of advisability and Resolution authorizing improving of Lateral 3, Main 11, Sanitary Sewer No. 23 (east of Rock, North of 45th Street North) 468-83486, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-406

Resolution of findings of advisability and Resolution authorizing improving Spyglass from the south line of Lot 49, Block 7 to the south line of Blade; Spyglass Court, from the south line Spyglass to and including cul-de-sac; Blade from the west line of Spyglass to the west line of Lot 38, Block 2, Millrun, from the east line of Spyglass to the east line of Lot 16, Block 4; and Millrun Court, from the south line Millrun to and including cul-de-sac, all situated in Sawmill Creek Addition. Sidewalk constructed along one side of Spyglass, Millrun and Blade (east of Rock, North of 45th Street North) 472-83624, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Wichita Airport Advisory Board 6-3-2002
Board of Park Commissioners 6-10-2002 and 8-12-2002
District VI Advisory Board Minutes 7-17-2002
Design Council 7-18-2002 and 8-15-2002
Housing Advisory Board 6-18-2002
Wichita Public Library 8-20-2002

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES -SPECIAL EVENTS.

Agenda Report No. 02-1820

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

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- 1) Race for the Cure / Saturday, September 28, 2002
Street Closures: Douglas closed at Rock Road, Woodlawn, Armour, Whittier, Post Oak, and Rutland from 7:00 – 10:30 a.m.
- 2) Woofstock 2002/ Saturday, October 5, 2002
Street Closures: 8:00 a.m. – 12:30 p.m.
--West River Blvd. From Nims & Wiley to Murdock Bridge
--Nims from Stackman to Murdock
--Franklin from Wiley to Nims

8:00 a.m. – 2:00 p.m.
--Murdock Bridge from Waco to Nims
--Stackman from Nims to Murdock
- 3) NCCJ Walk As One / Sunday, October 6, 2002
Street Closures: 12:30 – 2:00 p.m.
--West River Blvd at Nims at Murdock & Waco
--Stackman (North Riverside Park) at Nims & West River Blvd.
--Bitting at Bitting St. Bridge

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion -- Knight moved that street closure requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried -- carried 7 to 0.

HISTORIC DISTRICTS SERVICES FOR HISTORIC GRANT NOMINATIONS FOR BITTING, PARK PLACE/FAIRVIEW, TOPEKA/EMPORIA, AND EAST DOUGLAS HISTORIC DISTRICTS.

Agenda Report No. 02-1767

The City Council authorized the City Manager to sign the agreement to receive grant funds for this project. City Council action is needed to authorize the City Manager to execute the contract to complete the National Register nominations as described in the scope of work in the grant agreement.

The consultant will write nominations for four locally designated historic districts – Bitting Historic District, Park Place/Fairview Historic District, Topeka/Emporia Historic District and the East Douglas Commercial Historic District.

There are no additional design review requirements for the property owners within the districts, unless they would chose to participate in the tax credit program. A 500 ft. environs review will be in effect in accordance with State law if the districts become state/national register districts. Typically, environs reviews conducted in the residential areas involve re-roofing, placement of storage sheds, and garage reconstruction and most of these are done by staff approval and does not delay project completion. Once the National Register Nominations are completed, additional meetings will be conducted by staff with neighborhood groups in order to explain the benefits of listing and seek their support to submit the nominations to the Kansas State Sites Review Board.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

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DEFERRED COMP

AGREEMENT TO AMEND THE CITY'S DEFERRED COMPENSATION PLAN DOCUMENT.

Agenda Report No. 02-1768

In December 2001, the City Council took action to adopt certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA). That action allowed those provisions to be temporarily incorporated into the City's Deferred Compensation Plan pending the adoption of an amended Plan Document. Such an amendment is necessary to fully comply with provisions of the Internal Revenue Code.

At its regular second quarter meeting held June 27, 2002, the Deferred Compensation Board adopted the amended Plan Document. A new Adoption Agreement is necessary to enable the Plan's third party administrator, Great West Life and Annuity Company to utilize the amended Plan Document.

All costs associated with the administration of the program are borne by the participants. The City pays all costs associated with payroll deduction and funds transfer.

Motion --
-- carried

Knight moved that the amended plan document and Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PUMP STATION

CRESTVIEW PUMP STATION REHABILITATION SUPPLEMENTAL AGREEMENT. (District II)

Agenda Report No. 02-1769

The Sewage Treatment Division maintains and operates fifty-five (55) sanitary sewer pump stations throughout the City. To provide uninterrupted service, periodic replacements and rehabilitations are necessary. While working on the Crestview Pump Station, the contractor (Dondlinger and Son's Construction Co., Inc.) discovered that the concrete walls of the wet well structure had deteriorated due to constant exposure to the corrosive gases.

The consulting engineer recommended that the walls be rehabilitated to prevent structural failure and subsequent service interruption to customers. The contractor recommended a two-coat system: one to repair the damage and provide a level surface; the second, a material to provide a protective barrier preventing further deterioration of the walls.

The cost for the project is \$21,800. Funding is available in Crestview Pump Station (CIP S-536).

City Council approval is required for Agreements that exceed \$10,000.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

NIMS LIFT STATION

SUPPLEMENTAL AGREEMENT FOR NIMS LIFT STATION – WITHIN NORTH OAK PARK. (District V)

Agenda Report No. 02-1770

The City Council approved the project on January 23, 2001. On September 25, 2001, the City approved an Agreement with Baughman Company, P.A. to design a sewage lift station serving Riverside area. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

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The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the lift station. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$20,800 and will be paid by Water Utility Operating Revenues.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

HISTORIC PARK

CONTRACT FOR SERVICES FOR HISTORIC PRESERVATION FUND GRANT 20-02-17546-005 WICHITA HISTORIC PARK SYSTEM SURVEY.

Agenda Report No. 02-1771

The City Council authorized the City Manager to sign the agreement to receive grant funds for this project. City Council action is needed to authorize the City Manager to execute the contract to conduct the survey as described in the scope of work in the grant agreement.

The consultant will write an historic context statement about the development of the Wichita park system and inventory approximately 31 parks in our system that were dedicated prior to 1951. In addition to the historic context statement, approximately 45 inventory forms will be completed for structures within the identified parks. The amount of the contract is \$10,000.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

HERMAN HILL/ GILBERT MOSLEY

CONTRACT FOR EDUCATIONAL EXHIBIT DESIGN – HERMAN HILL/GILBERT MOSLEY FACILITY.

Agenda Report No. 02-1772

Ten years ago, routine testing of the groundwater detected contamination in the vicinity of downtown Wichita. A 2600-acre area, dubbed the “Gilbert & Mosley Pollution Site”, was defined and a remediation system that will capture and clean the groundwater is currently under construction. The remediation system and equipment will culminate in Herman Hill Park and will be open to the public. In addition, due to the growing concerns and interests in all aspects of water and its importance, a portion of the Herman Hill project has been dedicated to educate the public on the hydrological and geo-physical processes involved in groundwater remediation, threats to public health and the environment, and the inter-relationship between groundwater and the Arkansas River.

A “Request for Proposal” was solicited and a selection committee made up of representatives from the Environmental Health Department, the City Manager’s office, Water and Sewer, and Parks Department was formed for selection of a contractor to provide design services toward signage and exhibits for the education center. The committee recommends has selected Taylor Studios. for the design of the exhibits for the Herman Hill/Gilbert-Mosley Environmental Education Facility. The draft contract has been reviewed by both the Legal Department and the Purchasing Department. Taylor Studios has performed other projects in area such as the “Fossil Dig” at Exploration Place and all of the new exhibits for Dillon Nature Center in Hutchinson.

The Phase II construction of the Herman Hill Facility will be complete by Spring 2003. The facility will be open to become an important educational point for schools, civic groups, and the general public. The educational exhibit design ideas presented by Taylor Studios are the first step in the development of exhibits that will interpret the importance of water quality and the groundwater story to the public. Taylor Studios will work intimately with the parties involved to gain an understanding of the goals desired for the Herman Hill/Gilbert-Mosley Facility. As a final deliverable, Taylor will provide a “design book” and projected construction costs that can then be used to solicit donations for future exhibit construction and installation.

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The total contract price is \$42,000. The funds are currently in the project budget for the Gilbert and Mosley/Herman Hill construction project, and have been set-aside for this purpose.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CHECK SERVICES

CHECK COLLECTION SERVICES.

Agenda Report No. 02-1773

The City's check collections have been serviced by Kansas Counselors, Inc. (KCI) for the past three years at a flat fee of \$25 per check. The City has received the face amount of the checks plus a \$5 rebate which comes from the returned check fee of \$30 assessed to the check writer.

A Request for Proposal for check collection services was sent to fourteen (14) vendors. Two (2) vendors responded. A staff committee reviewed the proposals. The proposals were evaluated on experience, legal claim recovery and returned check collections. KCI provided the best total proposal.

KCI offered to collect all returned checks which do not include legal action for \$24 each. The City will receive the face amount of the checks plus a \$6 rebate which comes from the returned check fee of \$30 assessed to the check writer. The fee structure provides an incentive to collect the \$10 returned checks as well as the \$1,000 returned checks because the collection agency is equally compensated for each. KCI also offered to collect all returned checks which do include legal action as follows: KCI will file suit against the check writer for three (3) times the face value of the check plus court costs and attorney fees. The City will receive 50% of the amount recovered through legal action. This fee structure allows the City the opportunity to collect one and one half (1 ½) times the face amount of the returned check, if legal action is successful.

The City forwards approximately 250 returned checks annually at an average dollar amount of \$90 per check.

The contract is for a three (3) year period (September 1, 2002 through August 31, 2005), but is subject to annual renewal under the cash basis law. The Law Department will review and approve the contract to form.

Motion --
-- carried

Knight moved that the selection of KCI for collection of returned checks and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

RR CROSSING

RAILROAD CROSSING FOR BURLINGTON NORTHERN AND SANTA FE – ALONG K-15 FROM DAYTON STREET TO DERBY. (Districts I and II)

Agenda Report No. 02-1774

On February 5, 2001, the City Council approved the Wholesale Water agreement to provide water to the City of Derby. On June 19, 2001 the City Council approved the construction of a 30" supply line from Dayton Street to the point of connection for Derby at K-15 and 63rd St. South. A portion of the line will be located in Burlington Northern and Santa Fe Railway right-of-way (paralleling K-15).

Agreements have been prepared which will allow the City to construct and maintain the water line within railroad right-of-way.

There are administrative fees totaling \$12,000 for the six permits. Funding source is the Water Utility.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR SANITARY SEWER SERVICE TO KECHI – HYDRAULIC AVENUE, NORTH OF 37TH STREET NORTH, TO A LOCATION ALONG 53RD STREET NORTH. (Districts I and V)

Agenda Report No. 02-1775

On July 10, 2001, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for designing a sanitary sewer extension to provide City of Wichita sanitary sewer service to the City of Kechi. The fee was \$43,340.

MKEC has been asked to make some revisions on the plans and to split the project into two phases (the interface of the two phases will be at the south side of US Highway 54). A Supplemental Agreement has been prepared for the additional services.

Payment will be on a lump sum basis of \$10,110 and will be paid by Revenue Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR FOSSIL RIM ESTATES ADDITION – EAST OF TYLER, SOUTH OF 29TH STREET NORTH. (District V)

Agenda Report No. 02-1776

The City Council approved the project on May 21, 2002.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Fossil Rim Estates Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$101,200, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR NORTHEAST MIDDLE SCHOOL ADDITION – SOUTH OF 45TH STREET NORTH, WEST OF OLIVER. (District I)

Agenda Report No. 02-1777

The City Council approved the project on July 2, 2002.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Northeast Middle School Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$32,200, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

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DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES FOR MAIZE SCHOOL CAMPUS – SOUTH OF 37TH STREET NORTH, WEST OF TYLER. (District V)

Agenda Report No. 02-1778

The City Council approved the project on May 7, 2002.

The proposed Agreement between the City and Baughman Company, P.A. provides for designing a sanitary sewer to serve the new Maize School Campus. The Staff Screening & Selection Committee selected Baughman for the design on August 2, 2002.

Payment will be on a lump sum basis of \$17,200, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES FOR CHADSWORTH PLAZA – NORTH OF 21ST STREET, EAST OF MAIZE. (District II)

Agenda Report No. 02-1779

The City Council approved the project on July 16, 2002.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Chadsworth Plaza. Per Administrative Regulation 7a, staff recommends the selection of PEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$19,500, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES FOR WATER DISTRIBUTION SYSTEM - 159TH STREET EAST, SOUTH OF KELLOGG. (District II)

Agenda Report No. 02-1780

On February 5, 2002 the City Council approved the 2002 Water Program.

The City of Andover and the City of Wichita are sharing the costs of a 20" water main going south from Kellogg on the Sedgwick County side of 159th Street East (448 89705). The proposed Agreement between the City and Poe & Associates provides for the design of the 20" water main in 159th Street East to serve Cottonwood Point.

Payment will be on a lump sum basis of \$15,200, and will be paid by Water Utility Funds and the City of Andover.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

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DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES FOR HARRISON PARK SECOND ADDITION – EAST OF WEBB, NORTH OF HARRY. (District II)

Agenda Report No. 02-1781

The City Council approved the project on July 16, 2002.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond financed improvements in Harrison Park 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of R&B as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$15,460, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES FOR HIGHLAND SPRINGS SECOND ADDITION – WEST OF 135TH STREET WEST, SOUTH OF CENTRAL. (District V)

Agenda Report No. 02-1782

The City Council approved the project on July 26, 2002.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Highland Springs 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$46,200, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES FOR RIDGE PORT NORTH FOURTH ADDITION – SOUTH OF 37TH STREET NORTH, EAST OF RIDGE. (District V)

Agenda Report No. 02-1783

The City Council approved the project on July 24, 2001.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Ridge Port North 4th Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$85,300, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

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STREET MAINT.

CHANGE ORDER – 2002 CONTRACT STREET MAINTENANCE PROGRAM.

(District II)

Agenda Report No. 02-1784

On January 8, 2002, the City Council approved the 2002 Contract Street Maintenance Program. One part of the program is an ultrathin asphalt overlay to improve residential streets. Based on favorable bid prices, the project can be expanded to include Country Place Estates located north of 13th, east of Rock.

A Change Order has been prepared that authorizes additional work. Funding is available within the project budget.

The total cost of the additional work is \$43,764. The funding source is the General Fund.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Agenda Item #26)
LLEBG

LOCAL LAW ENFORCEMENT BLOCK GRANT.

Agenda Report No. 02-1785

The City has received notification that it is eligible to receive year 2002 Local Law Enforcement Block Grant (LLEBG) funding. This is the City's sixth year to receive funding under the LLEBG program. The federal award of \$275,811 requires a 10 percent local match of \$30,646. In the past, the City Council has approved the use of Narcotic Seizure funds for matching purposes. The total project budget will be \$306,457.

The LLEBG agreement states that before any obligation or expensing of funds can occur, an advisory board must be established and allowed to provide non-binding recommendations toward obligating and/or expensing of such funds. On August 15, 2002, the Advisory Board convened to make non-binding recommendations on the use of 2002 LLEBG funds. The Board approved 2002 LLEBG funding as follows: \$22,984 for the City Manager's youth program coordinator, \$76,614 for Municipal Court service officers, and \$206,859 for the Police helicopter and overtime. A public hearing is needed before obligation or expensing of LLEBG funds can occur.

The 2002 LLEBG federal award is \$275,811. The local match of \$30,646 will be funded from Narcotics Seizure funds, which has sufficient funding to cover local match requirements.

A public hearing is needed before any obligating or expensing of LLEBG funds can occur.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the public hearing be closed; the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PUMP STATION

WEBB ROAD PUMP STATION EXTERIOR RENOVATION. (District II)

Agenda Report No. 02-1787

The Webb Rd. Pump Station at the intersection of Webb Rd. and 21st St. was constructed in 1983. The architecture of the pump station was designed to blend with the surrounding residential area and looks much like a large residential home. In addition to complementing the neighborhood aesthetics, the use of residential architectural features served as a security benefit to "hide" the facility. Since that time,

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the architectural complexion of the area has changed to commercial with the construction of businesses at 21st Street and Webb Road.

The exterior of the building has reached its anticipated life expectancy of 20 years and is in need of extensive exterior renovation. Three alternatives were evaluated:

1. Repair existing siding, apply stain to the siding for weather protection, and recaulk joints. Benefits: Minimal building repair. Cost: \$42,000 + \$1,500/yr. maintenance.
2. Remove existing siding and replace it with brick veneer, remove dormers, and replace existing shake shingles with a new standing seam metal roof. Benefits: Minimal annual maintenance with a commercial, "architecturally hidden" appearance. Cost: \$184,200.
3. Remove existing siding and replace it with an Exterior Insulation Finish System (EIFS), remove the dormers and replace with an east gable, remove the existing windows and replace with anodized aluminum frames and insulated glass windows, and remove the existing wood front door and replace with a steel door. Replace the existing shake shingles with a standing seam metal roof. Remove and replace the gutters, downspouts, and louvers to match the new standing seam metal roof. Repaint the steel doors and replace existing curtains with commercial blinds. Benefits: Minimal annual maintenance and a commercial, "architecturally hidden" appearance. Cost: \$300,000.

The estimated cost is \$184,200 for the recommended alternative that includes design and inspection fees. Funding of \$2.58 million is available in Webb Road Satellite Pump Station (CIP W? 882).

City Council approval is required for projects with a cost of \$10,000 or more.

Motion --
-- carried

Knight moved that the Alternative No. 2 be approved and the necessary repairs be authorized. Motion carried 7 to 0.

LAND CLEAN-UP

NORTHWEST WATER TREATMENT PLANT - LAND CLEAN-UP. (District VI)

Agenda Report No. 02-1788

In May 1998, the City acquired land by eminent domain at Zoo Boulevard and Hoover Road for a future water treatment plant. Part of the agreement was for the prior landowner to remove construction debris from the site, or pay the clean-up costs. The City intended to withhold final payment for the land until the debris was removed, but the court declared that the purchase price was inadequate and ordered the City to pay additional funds, plus interest, in full. Despite on-going negotiations, the debris has not been removed, and the City has no recourse to force the prior owner to remove the debris.

Staff did not anticipate having to pay the clean-up costs; thus, funds for this purpose were not included in the CIP.

The initial cost to sort the debris will be \$50,000. More funds will be required to remove the debris; however, Staff has not been able to obtain cost-estimates until contents of the debris are identified. Staff recommends transferring \$50,000 from W-65 (Unidentified Water Mains) to create a new project, W-906, (Northwest Water Treatment Plant Site Clean-up). After contents have been identified and estimates received for removal, Staff will return to City Council.

City Council approval is required for changes in the Capital Improvement Program.

Motion --
-- carried

Knight moved that the amendment to the CIP be approved; the expenditures authorized; and the Resolution adopted. Motion carried 7 to 0.

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RESOLUTION NO. 02-407

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$50,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

FOUR MILE CREEK FOUR-MILE CREEK SEWAGE TREATMENT PLANT IMPROVEMENTS.

Agenda Report No. 02-1789

On March 6, 2001, City Council approved acquisition of the Four Mile Creek Sewage Treatment Plant and related facilities from Sedgwick County. On March 20, 2001, the City Council approved a contract for the study, design, and project management for plant improvements in the amount of \$730,000. Construction bids for the Four Mile Creek facility were received on August 16th with Snodgrass Construction submitting the low bid of \$5.6 million.

Staff recommends that two additional items be included: a second screening unit to replace an aging manual unit and a new sludge collection mechanism for an existing clarifier for \$270,000. Inclusion of these will improve critical operations and significantly reduce the potential of high maintenance activities. Staff also recommends adding a contingency/reserve of \$200,000.

CIP S-520, Four Mile Creek Plant Improvement, has \$6 million budgeted. Due to the low bid for plant construction coming in higher than expected and Staff recommendations, \$800,000 in funding is needed. Funds are available to transfer in CIP S-500, Biosolids Management Plan. Staff recommends transferring the \$800,000 from Biosolids Management Plan to Four Mile Creek Plant Improvement.

City Council authorization is required to amend the CIP.

Motion --
-- carried

Knight moved that the amendment to the CIP be approved; the expenditures authorized; and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-408

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$6.8 Million, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

R-O-W ACQUISITION RIGHT-OF-WAY ACQUISITION FOR FLOODWAY CROSSING FROM I-235 TO WEST - STREET. (Districts V and VI)

Agenda Report No. 02-1790

The 2002 Capital Improvement Program includes funding for design and right-of-way acquisition activities for the floodway crossing between the I-235 Freeway and West Street.

Additional right-of-way is needed on the west side of the Wichita-Valley Center Floodway.

The 2002 CIP budget is \$1,500,000. The funding source is the Local Sales Tax.

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Motion --
-- carried

Knight moved that the right-of-way project be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring 25th Street North from I-235 to West Street to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

RAND GRAPHICS

RAND GRAPHICS, INC. – REPLACEMENT OF EQUIPMENT. (Districts IV and V)

Agenda Report No. 02-1791

From 1995 through 1998, City Council approved the issuance of IRBs in the amount of approximately \$5,985,000, to finance facilities for use by Rand Graphics, Inc. The bond proceeds were used to finance the costs of acquiring, constructing and equipping certain improvements to existing manufacturing facilities, at Rand's two printing plants at 2820 South Hoover and 500 South Florence. On June 28, 2002, Rand provided written notice to Emprise Bank, Trustee for the project, and to the City, of its intent to replace certain existing equipment that constitutes a portion of the Project financed by bond proceeds. Rand Graphics requests City Council approval to remove and replace certain bond-financed equipment.

This lease for the project provides for replacement of project equipment, with safeguards as to ensure that new equipment or cash equal to or exceeding the fair market value of the equipment released is brought into the trust estate. In this instance, Tenant's Counsel has advised that the value of the replacement equipment substantially exceeds the fair market value of the equipment being released.

There is no financial impact on the City resulting from the requested change.

Motion --
-- carried

Knight moved that the Resolution be adopted; execution of the documents be authorized; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-409

A Resolution of the City of Wichita, Kansas, authorizing execution of Bills of Sale and all such other documents necessary to the replacement of certain bond financed equipment, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

DYE HARD

DYE HARD, INC. – PURCHASE OPTION. (District V)

Agenda Report No. 02-1792

On July 15, 1993 the Wichita City Council approved the issuance of \$500,000 in Industrial Revenue Bonds, Series IV, 1993. Bond proceeds were used to acquire, and renovate a building in Old Town and purchase office furniture located at 105 N. Washington. The Bonds are secured, in part, by a Lease Agreement with Dye Hard, Inc. ("Tenant").

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement, the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$100. The City received notice from the Tenant of a request to call outstanding bonds and of the company's intention to exercise its purchase option on or after October 1, 2002.

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Under the terms of the Lease, the City is required to convey the real and personal property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the attached Resolution to authorize the execution of the Bill of Sale, Special Warranty Deed and Termination and Release of Lease Agreement (each in substantially the form attached to the Resolution), and the delivery of such documents by the Trustee to the Tenant following satisfaction of applicable conditions.

Motion --
-- carried

Knight moved that the Bond call be authorized; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-410

A Resolution of the City of Wichita, Kansas, authorizing the City to convey title to the project financed with the proceeds of the City's Taxable Industrial Revenue Bonds, Series IV, 1993 (Dye Hard, Inc.); authorizing execution of a special Warranty Deed and Termination and Release of Lease; and authorizing the execution of all such other documents necessary to convey title to such project to Dye Hard, Inc., presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

LIMOUSINE SERVICE CERTIFICATE OF CONVENIENCE AND NECESSITY FOR DREAM ON LIMOUSINE SERVICE.

Agenda Report No. 02-1793

On August 28, 2002, Wichita Transit staff received an application from Ms. Brenda Mitchener d/b/a Dream On Limousine Service, for a Certificate of Convenience and Necessity to operate a charter limousine service in Wichita, Kansas. The application included support documentation, an insurance policy meeting code requirements, payment of fee, listing of employees' names for police records check purposes and a vehicle inspection report.

If approved for a license, Dream On Limousine Service will become the eighth licensed charter limousine service in the City of Wichita. Ms. Mitchener is purchasing Dream On Limousine service from Ms. Patricia Louia. Dream On is an existing service. This will be a continued resource to those persons needing transportation services for special occasions.

There will be no financial impact on the City of Wichita.

The Department of Law is reviewing the policy of insurance submitted by Ms. Brenda Mitchener d/b/a Dream On Limousine Service. The policy is pending approval.

Motion --

-- carried

Knight moved that the Certificate of Convenience and Necessity for Brenda Mitchener to operate Dream On Limousine Service and to operate up to three (3) vehicles in Wichita, Kansas, subject to Staff approval of insurance policy be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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SPECIALS

PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for forty-one (41) paving projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held September 30, 2002, at 11:00 a.m.

Motion --
-- carried

Knight moved that the public hearing be set for 9:30 a.m., Tuesday, October 15, 2002. Motion carried 7 to 0.

MORTGAGE REL.

RELEASE OF MORTGAGE – 631 NORTH TOPEKA. (District VI)

Agenda Report No. 02-1794

The owner of property at 631 North Topeka obtained a deferred loan from the City of Wichita in 1984 in connection with its acquisition of the apartment building. This loan was in the amount of \$100,000 and was a second mortgage lien against the property. The first mortgage, which still constitutes a first lien against the property, is greater than \$200,000. The property is vacant and the owner has attempted for several years to find a buyer who will renovate the structure and offer the apartments for rent. The owner has signed a contract for the sale of the property but the proceeds of the sale will not be sufficient to pay any of the City's loan. The first mortgagee has agreed to accept the purchase price of \$125,000 in full satisfaction of its lien. The owner is asking the City to release its second mortgage so the prospective purchaser can obtain clear title.

The owner never made any payments toward the City's deferred loan after the deferral period ended in 1994. The value of the real estate is such that if the City forced a sale of the property in foreclosure of its claim of \$100,000, the City would receive nothing. The entire proceeds of any such foreclosure would go to the holder of the first mortgage. There is also some question as to the enforceability of the City's claim because of the passage of time.

The loan proceeds advanced in 1984 were made available from Community Development Block Grant funds provided by the Department of Housing and Urban Development. These funds were designed to assist property owners in acquiring and/or renovating residential properties in target areas. The City has no present obligation to return these funds or to take any further action toward collection of the funds.

Motion --
-- carried

Knight moved that the Release of Mortgage be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 8006 AND 8018 EAST KELLOGG AND A PORTION OF 448 SOUTH ROCK ROAD. (District II)

Agenda Report No. 02-1795

In December 2001, the total acquisitions required for the East Kellogg/Rock Road Improvement Project were released for active acquisition. Current plans call for construction of the Rock Road/Kellogg interchange to start in 2003. The properties at 8006 and 8018 East Kellogg as well as part of the property at 448 South Rock Road will be required for the project. While leased to different parties, the underlying land is under one ownership. The site contains approximately 43,980 square feet and is improved with a 3,236 square foot fast food restaurant, a two-bay self service car wash and a billboard structure. The proposed Kellogg project will require the removal of all improvements.

The property and improvements were appraised at \$1,100,000. This includes the buildings, land and tenants leasehold interest. The owner and tenants have agreed to sell the property leaseholds for a negotiated price of \$1,250,000. An additional \$240,000 will be paid for furniture, fixtures, equipment, and structures and to reimburse the tenants for all moving and reestablishments claims to which they are entitled. The land owner will receive a portion of the City owned remnant in exchange for the land

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needed from 448 South Rock Road. The restaurant tenant will sign a standard form lease and remain in occupancy, paying all expenses, until the property is needed for the Kellogg project.

The Capital Improvement Program includes funds for acquisitions. The funding source will be local sales tax revenues. A budget of \$1,520,000 is requested. This includes \$1,250,000 for acquisition, \$240,000 for furniture, fixtures, equipment, moving costs, costs of reestablishment and site search, \$15,000 for demolition, and \$5,000 for closing costs, surveys and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 2437 SOUTH MEAD. (District III)

Agenda Report No. 02-1796

The Pawnee Rail Separation Project will require the full or partial acquisition of several tracts. One of the properties required is 2437 South Mead, owned by Robert Boling. The site contains 7,125 square feet and is improved with a 1,074 square foot frame single-family residence. The property has two bedrooms and one bath.

The property was valued at \$50,500. The owner has agreed to sell for this amount. The property is presently leased. The tenant will be relocated and the site will be processed for demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be funds provided by Union Pacific Railroad. A budget of \$56,000 is requested. This includes \$50,500 for the acquisition, \$5,000 for demolition, and \$500 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ AUGUST 20, 2002)

a) Building Code (Title 18).

ORDINANCE NO. 45-381

An Ordinance creating Sections 18.05.317, 18.05.318, 18.05.395, 18.05.415, 18.05.635, 18.05.682, 18.05.683, 18.05.853, 18.05.856, 18.05.875, 18.05.1035, 18.06.155 and 18.06.165; amending Sections 18.05.600, 18.06.160 and 18.06.170; and repealing the originals of said Amended Sections, all in the Code of the City of Wichita, Kansas, and pertaining to the Building Codes of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

b) Mechanical Code (Title 22).

ORDINANCE NO. 45-382

An Ordinance adopting the 2000 International Mechanical Code Amending Sections 22.04.010, 22.04.020, 22.04.251 and 22.04.300 of the Code of the City of Wichita, Kansas and repealing the original of said Amended Sections; creating Sections 22.04.011, 22.04.012, 22.04.013, 22.04.014, 22.04.016, 22.04.017, 22.04.018, 22.04.019, 22.04.022, 22.04.23, 22.04.024, 22.04.025, 22.04.026, 22.04.028, 22.04.029, 22.04.030, 22.04.031, 22.04.032, 22.04.034, 22.04.036.1, 22.04.036.3, 22.04.036.5, 22.04.036.7, 22.04.036.9, 22.04.036.11, 22.04.036.13, 22.04.035.15, 22.04.036.17, 22.04.036.19, 22.04.036.23, 22.04.036.24, 22.04.037 AND 22.04.037.4 of the Code of the City of Wichita, Kansas, and repealing Sections 22.04.021, 22.04.036, 22.04.037.1, 22.04.038, 22.04.039, 22.04.039.1, 22.04.039.2, 22.04.039.3, 22.04.039.4, 22.04.039.5 AND 22.04.039.6 of the Code of the

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City of Wichita, Kansas, all pertaining to the Mechanical Codes of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

c) ZON 2000-36 – south of Maple west of Hoover. (District V)

ORDINANCE NO. 45-383

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON 2000-36

d) ZON 2002-01 - southeast corner of Kellogg and Greenwich Road. (District II)

ORDINANCE NO. 45-384

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON 2002-01

PLANNING AGENDA

Motion -- carried Knight moved that the Planning Agenda be approved as consensus Items, except Items 39, 45, 46, 49, 50, 51, and 52. Motion carried 7 to 0.

(Agenda Item #39)
SUB2001-114

SUB2001-114 – PLAT OF ZEIGLER OFFICE PARK ADDITION – NORTHEAST CORNER OF 135TH STREET WEST AND CENTRAL. (District V)

Motion -- carried Martz moved that this Item be deferred until October 1, 2002. Motion carried 7 to 0.

SUB2002-00024 **SUB2002-00024 – PLAT OF FIRE STATION NO. 13 ADDITION – WEST OF MERIDIAN, NORTH SIDE OF 42ND STREET NORTH.** (District VI)

Agenda Report No. 02-1798

MAPC Recommendation: Approve the plat. (11-0)

This plat is zoned SF-5, Single-Family Residential and municipal facilities are available to the site.

This is an unplatted site located within the City. This property is subject to the Moorings Community Unit Plan (CUP 2002-06, DP-78, #2).

A CUP Certificate identifying the approved CUP and its special conditions for development was provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording of the plat within thirty (30) days.

The CUP Certificate will be recorded with the Register of Deeds.

Motion -- Knight moved that the Document and Plat be approved and the necessary signatures be authorized

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--carried

Motion carried 7 to 0.

ST. IMPROVEMENT **STREET IMPROVEMENT AGREEMENT FOR LOT SPLIT NO. SUB2002-86 – SOUTH OF 13TH STREET, WEST OF MERIDIAN.** (District VI)

Agenda Report No. 02-1799

Staff Recommendation: Approve the Agreement.

This No Protest Agreement for the paving of 11th Street, between Custer and St. Paul, was required for the approval of a Lot Split (SUB 2002-86) for the east 150 feet of Lot 38, Valley Acres Addition. The Lot Split will allow for the creation of one additional lot zoned SF-5, Single Family Residential. This Agreement assures the City of Wichita that this property will be included in the improvement district for paving of 11th Street, between Custer and St. Paul, and that the owners have waived their right to protest said paving.

The No Protest Agreement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

V-2168 **V-2168 – VACATE UTILITY EASEMENT – NORTHWEST OF WILD ROSE AND FOREST LAKES.** (District V)

Staff Recommendation: Approve vacation of utility easements.

MAPC Recommendation: Approve vacation of utility easements. (unanimous)

The applicant is requesting to vacate a utility easement to allow for property line shifts for Lots 69-87 of the Forest Lakes Addition, which was platted in 1993.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. The approval was subject to the conditions that the north 10-feet of the utility easement between Lots 70 & 71 and the north 20-feet of the utility easement between Lots 80 & 81 be retained as a utility easement and that new utility easements be dedicated between Lots 171 & 172 and 180 & 181, Block 4, Forest Lakes Addition. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds along with the dedication instruments.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00030 **VAC2001-00030 – VACATE 60-FOOT DRAINAGE AND UTILITY EASEMENT – NORTHWEST OF THE MAIN STREET/NORTH 9TH STREET INTERSECTION.** (District VI)

Agenda Report No. 02-1801

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration to vacate the 60-ft utility-drainage easement, as dedicated on Lot 6, Midtown 3rd Addition, approved by the WCC 10-05-1985. The applicant is proposing expansion of Park Elementary School, USD 259.

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No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, subject to dedication of substitute easements, and adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order and of dedications for a drainage and utility easement will be recorded with the Register of Deeds for a drainage and utility easement and a utility easement.

Motion --

-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00040

VAC2001-00040 – VACATE DRAINAGE EASEMENTS – NORTHEAST OF THE HOLLAND STREET/EMERSON INTERSECTION.

(District V)

Agenda Report No. 02-1802

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimous)

The applicant is requesting consideration to vacate a 90-foot drainage easement between Lots 5 & 6, Block B, Ridge Plaza 8th Addition. The drainage easement was recorded by separate instrument (film 329, page 755, recorded August 1978) and dedicated to the public, prior to the Ridge Plaza 8th Addition being recorded April 1982.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, and subject to the dedication of a substitute easement and guarantee to relocate an existing storm sewer. No written protests have been filed.

A certified copy of the Vacation Order and a Dedication of a Utility Easement will be recorded with the Register of Deeds, along with a Certificate of Petition guaranteeing the relocation of the storm sewer.

Motion --

-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Agenda Item #45)

VAC2002-00012

VAC2002-00012 – VACATE PLATTED ALLEY – NORTHWEST OF THE WASHINGTON AVENUE SOUTH/HARRY STREET INTERSECTION. (District I)

Mike Lindebak

Director of Planning reviewed the Item.

Agenda Report No. 02-1803

Staff Recommendation: Approve.

MAPC Recommendation: Approve (8-6).

The applicants are requesting the platted 20-foot (x) 155-foot (running west to east) and the 10-foot (x) 155-foot (running north to south) alleys be vacated. The alleys were dedicated, in 1921, on the plat of the Wayside Subdivision. Reversionary rights of the alley will go to the applicants, who own the lots abutting the alley in the Wayside Subdivision. The vacation of the alley would extend the applicants' property lines to include the entire width and length of the two alleys. All abutting property owners have agreed to vacate the alley.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed. The majority of the MAPC followed the Staff recommendation on requiring the additional street right-of-way; the minority did not believe that the vacation request justified the exaction of conditional street right-of-way.

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A certified copy of the Vacation Order will be recorded with the Register of Deeds with the condition that certified copies of dedications by separate instruments will be Recorded with the Register of Deeds for a 10-foot Utility Easement, complete access control off of Harry Street except for one opening, complete access control off of Washington Avenue Street except for one opening, contingent dedication of 20-foot of right-of-way for Harry Street, contingent dedication of 10-foot of right-of-way for Washington Avenue Street, provide a covenant tying all the lots together as one property, and retain the 10-foot alley running parallel and adjacent to the west side of Lot 12, Wayside Subdivision as a utility easement.

Motion --
-- carried

Brewer moved that the Vacation Order, subject to the dedications and covenant, be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Agenda Item #46)
VAC2002-00027

VAC2002-00027 – VACATE DEDICATED PUBLIC RIGHT-OF-WAY – NORTHWEST OF THE 21ST STREET NORTH/MAIZE ROAD INTERSECTION. (District V)

Mike Lindebak

Director of Planning reviewed the Item.

Agenda Report No. 02-1804

Staff Recommendation: Deny.
MAPC Recommendation: Approve (unanimous)

The applicant is requesting consideration for the vacation of a “stub” of right-of-way named Parkdale Street, as dedicated on the Evergreen Addition. Parkdale was intended to be a residential collector road that would provide access for this large residential area to 21st Street North and 29th Street North.

The development of the Northwestern Christian Church Addition (as a church) has shut out the immediate possibility of Parkdale extending south to 21st Street North as well as to Maize Road. The other properties abutting the Evergreen Addition on its south side and between the subdivision and 21st Street North are developed as large lot single family residential. This combination of the residential and church developments would prevent the possibility of immediate access to 21st Street North. There are no utilities in this section of Parkdale that is proposed to be vacated.

The owners of the properties would protest the possible relocation of dedicated right-of-way if Parkdale is vacated. This family had sold the property that became the Northwest Christian Church Addition, and as part of the sale stipulated that the church not allow a road to go through the property to 21st North.

The Planning Staff recommended denial of this request to vacate this portion of Parkdale, which would provide future access to 21st Street North. Despite the protest of the owners to the south, staff believed that when that property eventually develops for more intensive use, the connection to 21st Street for the Evergreen homeowners will be desirable. Creating a local street system with connectivity of this type is stated as a design standard in the Subdivision Regulations and in the Comprehensive Plan.

The Subdivision Committee, at their August 15, 2002 meeting recommended approval of the request to vacate this portion of Parkdale, based on the inability to bring the road through the platted church lot.

No one spoke in opposition to this request at the MAPC’s advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Martz moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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VAC2002-00028

VAC2002-00028 – VACATE PORTION OF ALLEY – SOUTHWEST OF THE DOUGLAS AVENUE WEST/SENECA STREET INTERSECTION. (District IV)

Agenda Report No. 02-1805

Staff Recommendation: Approve
MAPC Recommendation: Approve (unanimous)

The applicant is requesting that portion of the platted 20-foot alley that runs parallel to and abuts the Kansas Southwestern railroad right-of-way and Burton Avenue, west of South Glen Avenue, be vacated. The applicant proposes to build a detached garage. There are no city utilities or other utilities in the alley, nor is there a future need to retain the alley as an easement. The vacation of the alley will not deny access to public right-of-way by any abutting or adjacent property owners. The entire alley will revert go to the applicant. The setbacks are current for B Multi-family residential and will move with the new property line. Any encroachment into the setbacks will require the applicant to request consideration for an administrative adjustment or a variance.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds and the condition that the applicant provides a survey showing the new property size as provided by a licensed surveyor, prior to completing the vacation.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2002-00029

VAC2002-00029 – VACATE EASEMENT – SOUTHWEST OF THE HILLSIDE/PAWNEE INTERSECTION. (District III)

Agenda Report No. 02-1806

Staff Recommendation: Approve.
MAPC Recommendation: Approve (unanimous)

The applicant is requesting the platted 10-foot utility easement be vacated. The placement of the easement discourages future development of the residential property. There are no utilities in the easement nor is there a future need for the easement for utilities.

The Planning Staff recommends approval of this request to vacate the platted 10-foot easement, as recorded on Lot 20, Block 11, Pawnee Ranch Addition.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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(Agenda Item #49)
CON2002-00034

CON2002-00034 – CONDITIONAL USE TO PERMIT A CAR WASH ON PROPERTY ZONED LIMITED COMMERCIAL – SOUTHEAST CORNER OF 21ST STREET NORTH AND WEST STREET. (District VI)

Mike Lindebak

Director of Planning reviewed the Item.

Agenda Report No. 02-1807

MAPC Recommendation: Approve, subject to staff recommendations. (10-3)

Staff Recommendation: Deny.

D.A.B. Recommendations: Approve, subject to conditions. (8-2)

The applicant is requesting a Conditional Use to allow a 24-hour car wash to be located within 200-ft of residential in the "LC" Limited Commercial zoning district. The application area is the western half of Lot 11 Block 1, Sunset Heights 5th Addition, and is approximately 0.95 acres of the total 1.79 acres. The site is located on the southeast corner of 21st Street North and West Street. The eastern half of the lot is developed as a convenience store and the western half (the proposed site) is undeveloped.

I-235, the Wichita - Valley Center Flood Control easement (the Flood Control easement) and the Big Arkansas River forms the peak of this triangular shaped area and is its northern boundary. These three features spread from this intersection and form barriers that prevent access into the area along its north and west sides. 21st Street North provides access from the east where it crosses the Big Arkansas River. Aside from this crossing, the river forms a barrier that prevents any other access from the east. On the northwest side of the site, 21st Street ends as it bends into West Street. From there West Street runs parallel to I-235 for a block before it separates from North Westdale Drive and goes south. Both West Street and North Westdale provide access into the area from the south.

The site has "SF-5" zoning on its north, east and south sides, with the exceptions being 4 lots zoned "TF-3", 7 lots zoned "B", a lot on 21st Street zoned "GO" and another lot between West Street and Westdale zoned "LC". The area north of the site, across 21st Street, is a small triangle shaped City Park. The area abutting on the south and the adjacent area east of the site are developed as single family residential. There is a platted 20-foot alley located between the site and the residences/lots south of it. This alley has been developed as an extension of each of the 8 residential lots south of the site, with fences on the rear yards of the lots joining the wooden fence on the south side of the site. There are utilities in this alley. Staff has found no record of this alley being vacated. West of the site is West Street and I-235, and the Flood Control Easement. The site is approximately 90-feet from I-235 with no access to it. The eastern half of the site that is developed as a convenience store has access onto 21st Street on the north and McComas Street on the east. There is no platted access control for the site.

The applicant's revised Site Plan depicts a 5-bay car wash (4 self serve and one automatic) with the open ends facing north to south and placed near the front of the site. Parking and drying stalls are to be located along the front of the site. Access to the site would have to be a joint access point shared with the convenience store located to the east. Vacuums are shown both on the northwest, front of the site, and at the southern entrance to the washing bays. Queuing spaces are out of the circulation area and located at the southern-rear of the site behind a 40-foot landscape buffer. The proposed queuing backs into the entrance of the site and does not interfering with circulation, per reviewed by the Traffic Engineer. Staff has reviewed the revised site plan and enclosed it with the Staff report.

CON2002-34 was considered at the July 17, 2002 DAB VI meeting and recommended for denial, 7-0. There were speakers in opposition to the request at the meeting. The speakers expressed concerns about noise, trash, traffic that would be generated by the proposed car wash, which they considered an inappropriate use of the property abutting single family residences. On July 18, the applicant requested that CON02-34 be deferred from the July 25 MAPC meeting and rescheduled for the August 8, 2002 MAPC meeting. The applicant also asked that DAB VI reconsider the request at their August 5, 2002 meeting. The applicant made this request to make changes to the site plan. At the August 5, DAB VI meeting the request was recommended for approval, 8-2, subject to conditions recommended by Staff and conditions the DAB requested incorporated into the CU. There were speakers in opposition to the

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request at the meeting, expressing the same reasons for denial as at the previous DAB VI meeting. At the August 8 MAPC meeting there were speakers in opposition to the request, again expressing all the previously mentioned reasons for denial. The MAPC recommended the request, 10-3, subject to the following conditions:

- A. The car wash shall be developed and maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code.
- B. The applicant shall submit a revised site plan for approval by the Planning Director, prior to the issuance of the Conditional Use resolution that meets the requirements of Section III-D.6.f. of the Unified Zoning Code. The revised site plan will also include dimensional control and a landscaping plan, which would include the 40-foot landscape buffer between the existing wooden fence on the south side of the site, the inclusion of 12 deciduous trees and 22 conifers planted in the 40-ft buffer area, a 5 bay car wash, which includes one automatic bay equipped with an automatic door on its south entrances that closes during the operation of the automatic wash, signage being confined to the building, outside lighting being confined to canopy lighting on the vacuum islands, and 130-foot distance between the car wash structures (including vacuum islands) and the wooden fence on the south end of the property/site.
- C. The materials and design of the facilities shall be a split faced concrete block, and metal roof, similar to the convenience store abutting on the east side of the site. No buildings taller than 24-ft.
- D. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
- E. Provide a lot split between existing convenience store and proposed car wash to be recorded with the Register of Deeds.
- F. Dedicate joint access between existing convenience store access onto 21st Street North and proposed car wash, to be recorded with the Register of Deeds.
- G. After a review of the development and upon appropriate findings, any violation of the conditions of approval will allow the Conditional Use to be declared null and void.

There have been 13 protests filed against the proposed car wash that are within the notification area. These protest represent 61.20% of the calculation area. There have also been another 3 protest filed against the proposed car wash that are just outside the notification area. When over 20% of the area or owners protest such amendments, they cannot be approved except by at least a $\frac{3}{4}$ vote of all members of the governing body. In Wichita this calculation is based on a distance of a 200-foot radius from the outer boundaries of the application area, based on the size of the subject property.

Motion --
-- carried

Fearey moved that Council concur with the findings of Staff and deny the Conditional Use. Motion carried 7 to 0.

(Agenda Item #50)
ZON2002-00042

ZON2002-00042 – EXPAND THE OLD TOWN OVERLAY ONTO PROPERTY ZONED LIMITED INDUSTRIAL FOR THE REDUCTION OF PARKING REQUIREMENTS – SOUTHEAST CORNER OF DOUGLAS AND IDA. (District I)

Mike Lindebak

Director of Planning reviewed the Item.

Agenda Report No. 02-1808

MAPC Recommendation: Approve, subject to staff recommendations. (7-2)

Staff Recommendation: Approve.

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The applicant is requesting addition of .41 acres to the "OT-O" Old Town Overlay District, on property zoned "LI" Limited Industrial. The property is located on the southeast corner of Douglas and Ida Streets. The site is occupied by a traditional commercial/warehouse building with a zero lot-line storefront on the Douglas sidewalk, an unpaved parking area at the Douglas and Ida intersection with access from Douglas and Ida, and alley access from Ida. The application area building has a party wall with the bordering building to the east; the building to the east is under the same ownership. The application area building currently is partially used for a tattoo/piercing business; the applicant has indicated that the tattoo/piercing use will move to the building east of the application area, as the tattoo/piercing use is not a permitted use within the "OT-O" district.

The applicant intends to develop a drinking establishment, and pave and landscape the intersection area. However, without the parking provisions of the "OT-O", the applicant would not have enough on-site parking to develop a drinking establishment. The "OT-O" Old Town Overlay District has reduced parking requirements when compared to most other zoning districts, and has provisions which allow for the use of off-site shared public parking spaces by property owners in the Old Town Parking District by paying a monthly fee, in lieu of providing the parking directly.

However, inclusion within the "OT-O" zoning district does not automatically include the property within the Old Town Parking District. A separate ordinance will have to be prepared and approved to include the site in the Old Town Parking District. Until the property is included in the parking district, the applicant will need to provide parking as required by the appropriate sections of the code.

If this request is approved, the underlying zoning on the property would remain "LI" Limited Industrial, but the property would become subject to the design, signage and parking requirements of the "OT-O" district. The "OT-O" district also permits a wider range of uses, including residential uses that are not permitted by the existing "LI" zoning.

All Surrounding properties are zoned "LI". North of the application area, across Douglas, is a row of traditional commercial buildings recently renovated and housing a candy shop, a framing gallery, and a kitchen-remodeling store. Also north of the application area, across Douglas, is an auto repair business, and several furniture stores. South of the application area is an air conditioner business, and other industrial and warehouse uses. West of the application area is a used car lot, a communications business, and apartments. East of the application area are a wig store, vacant storefront and lots, and a surplus store. Northwest of the application area is a Quick-Trip convenience store, and approximately 400 feet northwest of the application area is the "OT-O" Old Town Overlay District "proper". One other "OT-O" "island" exists on the south side of Douglas, it is also a drinking establishment, and exists between Washington and Rock Island Avenues. The East Douglas Historic District lies approximately 900 feet to the west of the application area.

At the MAPC meeting held August 8, 2002, the MAPC voted (7-2) to recommend addition of this property to the "OT-O" Old Town Overlay District. During the discussion, the adjoining property owner and another nearby property owner raised concerns about (1) spillover parking from the bar, and (2) additional litter from the bar being left on surrounding properties. Another property owner asked for deferral to evaluate the proposed design more closely, particularly mentioning evaluation of possible diagonal parking to increase on-street parking. Letters of opposition were received from seven property owners and/or businesses.

Motion --

Brewer moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved; and the Ordinance be placed on first reading. . Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. ZON2002-00042

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(Agenda Item #51)
ZON2002-00043

ZON2002-00043 – ZONE CHANGE FROM GENERAL OFFICE TO SINGLE-FAMILY RESIDENTIAL – SOUTH OF 37TH STREET NORTH, APPROXIMATELY ½ MILE EAST OF RIDGE ROAD. (District V)

Mike Lindebak

Director of Planning reviewed the Item.

Agenda Report No. 02-1809

MAPC Recommendation: Approve, subject to staff recommendations. (13-0)

Staff Recommendation: Approve, subject to platting within one year.

The applicant requests a zone change from “GO” General Office to “SF-5” Single-Family Residential on the 19.17 acre site. The site will be replatted as the Ridge Port North 5th Addition, upon recommendation of the zoning. The site is located south of 37th Street North and approximately ½ mile east of Ridge Road. The applicant indicates that the “SF-5” Single-Family Residential zoning request is to permit future development of single-family housing.

The site and the surrounding area is on the fringe of the developing urban area for Wichita, with much of the land in the area still used for agriculture. The properties north of the site (across 37th St North) are zoned “SF-20” Single-Family Residential and are used for agriculture and sand and gravel extraction. The properties south and southeast of the site are zoned “SF-5” Single-Family Residential and are proposed for the future development of single-family residences in the Ridge Port North 4th Addition. These properties are used for agriculture. Most of the property west of the site is zoned “GO” General Office and is currently being developed with medical offices. The property immediately west and north of the site is zoned “SF-5” Single-Family Residential and is developed with a farm-related residence and outbuildings.

Motion --

Martz moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the zone change, subject to the condition of platting within one year, be approved; and the Ordinance be placed on first reading with publication being withheld until the Plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. ZON2002-00043

(Agenda Item #52)
ZON2002-00044

ZON2002-00044 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL – SOUTH OF CENTRAL, EAST OF WESTRIDGE. (District IV)

Mike Lindebak

Director of Planning reviewed the Item.

Agenda Report No. 02-1810

MAPC Recommendation: Deny “LC” Limited Commercial and approve “NR” Neighborhood Retail, subject to staff recommendation. (13-0)

Staff Recommendation: Deny “LC” Limited Commercial and approve “NR” Neighborhood Retail subject to replatting within one-year.

The applicant requests a zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial on a 0.5 acre platted tract located south of Central and east of Westridge. The subject

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property is currently developed with a single-family residence. The applicant has not specified a proposed use for the subject property.

The surrounding area is characterized by a mixture of commercial and residential uses with many of the properties along Central developed with commercial uses and the remainder of the properties in the area, including properties fronting Central, developed with residential uses. The property to the west is zoned "NR" Neighborhood Retail and is developed with a medical office. The property to the north across Central is zoned "LC" Limited Commercial and is developed with a restaurant. The property to the east is zoned "LC" Limited Commercial and is developed with retail. The property to south is owned by the applicant, is zoned "B" Multi-Family Residential, and is undeveloped.

The subject property is the north 145 feet of Lot 5, Block 1, Peacock Addition, which was recorded January 31, 1955. On January 31, 1995, the City Council, based on a recommendation from the MAPC, denied a zone change request (Z-3151) to "LC" Limited Commercial and instead approved "OC" Office Commercial (now "NR" Neighborhood Retail) for the subject property. The zone change was approved subject to replatting, which was never completed; therefore, the zone change was denied and the request closed. The lower-intensity zoning district was approved for the subject property in part to be consistent with a zone change on another property (Z-3112) located two blocks to the west at Central and Kessler. Since the time of the last zone change request on the subject property, a zone change (Z-3289) to "NR" Neighborhood Retail was approved on the property immediately west of the subject property. For both neighboring properties zoned "NR" Neighborhood Retail, the applicant's request for "LC" Limited Commercial was denied in favor of "NR" Neighborhood Retail zoning.

While planning staff finds the subject property appropriate for commercial development, the types of uses permitted by the "LC" Limited Commercial zoning district (i.e., drive-through restaurants, convenience stores, and auto-related uses such as vehicle repair) are too intense given the limited size of site and the site's location removed from an arterial intersection and near existing residential development. Intense commercial development of the site would likely lead to adverse impacts from lighting, noise, and trash on surrounding residential land uses. To mitigate these impacts, planning staff recommends that the subject property be developed with small, neighborhood serving commercial development such as specialty retail, service businesses, and small, sit-down restaurants. These types of uses are permitted by the "NR" Neighborhood Retail zoning district. Based upon information available prior to the public hearings, planning staff recommended that the request for "LC" Limited Commercial zoning be denied and instead that "NR" Neighborhood Retail zoning be approved subject to replatting within one year.

At the MAPC hearing on August 8, 2002, the applicant agreed with the recommendation of planning staff to approve "NR" Neighborhood Retail instead of "LC" Limited Commercial. There were no speakers, other than the applicant, either for or against the rezoning request. The MAPC voted 13-0 to deny "LC" Limited Commercial and approve "NR" Neighborhood Retail subject to replatting the property within one year.

Motion --

Gale moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC that the request for "LC" Limited Commercial be denied, and instead approve a zone change to "NR" Neighborhood Retail, subject to replatting the property within one year; and that the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

ZON2002-00045

ZON2002-00045 – ZONE CHANGE FROM LIMITED COMMERCIAL TO GENERAL COMMERCIAL – SOUTHWEST CORNER OF 31ST STREET SOUTH AND WICHITA STREET. (District III)

Agenda Report No. 02-1811

MAPC Recommendation: Deny. (9-0)
DAB Recommendation: Deny. (8-0)
Staff Recommendation: Deny.

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The applicant is requesting a zone change from "LC" Limited Commercial to "GC" General Commercial on a 1.0-acre tract located on the southwest corner of 31st Street South and Wichita Street. The proposed use of the property is for warehouse, self-service storage units, although the applicant did not request a protective overlay to restrict the property to only this "GC" use.

The surrounding area has high intensity commercial and industrial uses to the east toward Broadway (vehicle sales and vehicle storage), but is mostly residential uses to the north, south and west. More specifically, the adjoining property to the south is zoned "LC" and "B" Multi-Family and is developed with a new group home owned by the Mental Health Association Group. The property to the west, along Waco, is zoned "LC" along 31st Street South and is developed with a small commercial building. Immediately to the south along Waco, the property is zoned "SF-5" Single-Family and is occupied by a house with a large number of vehicles, although it is not zoned for this use. The property to the east of Wichita Street, along 31st Street South, is zoned "GC" and "SF-5", and includes a commercial building and an American Legion lodge, with vacant property south of the lodge. The property on the north side of 31st Street South is zoned "SF-5" Single-Family and "B" Multi-Family and is developed with residences.

Self-service warehouses are permitted with a Conditional Use in the "GO" General Office and "LC" Limited Commercial districts, subject to 19 specific conditions requiring landscaping, architectural review, restrictions on outdoor storage, lot coverage, and use of rental space by individual businesses. Self-service warehousing located in the "GC" district does not have to comply with these restrictions. Rezoning the property "GC" General Commercial would be out of character with the zoning and uses in three directions; rezoning to "GC" would also allow warehouse, self-service storage units to be constructed without regard to the supplementary regulations of the Unified Zoning Code. The supplementary regulations are designed to lessen the impact of mini-storage units on nearby residential uses. They include landscaping, use of materials compatible with surrounding residential use, presence of an on-site manager and other requirements to ensure the units do not pose a safety threat or nuisance to the neighborhood. In the absence of these requirements, the only safeguards would be the UZC requirements for compatibility setbacks that would require a 25-foot setback and landscape buffer along the southern half of the west property line. Based upon these considerations and the information available prior to the public hearings, planning staff recommended that the request be denied.

At the DAB III hearing on August 7, 2002, a prospective buyer of the property indicated that he was not aware that the owner had requested the zone change and that if he purchased the property he intended to develop it with an insurance office. The DAB voted 8-0 to recommend denial of the request. At the MAPC hearing on August 8, 2002, there were no speakers, not even the applicant, either in favor of or in opposition to the request. The MAPC voted 9-0 to recommend denial of the request.

Motion --

Lambke moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the zone change be denied. Motion carried 7 to 0.

-- carried

ZON2002-00046

ZON2002-00046 – AMEND PROTECTIVE OVERLAY NO. 36 – NORTH SIDE OF 21ST STREET NORTH, APPROXIMATELY 1,100 FEET WEST OF MAIZE ROAD. (District V)

Agenda Report No. 02-1812

MAPC Recommendation: Approve, subject to staff recommendations. (13-0)

Staff Recommendation: Approve, subject to Protective Overlay provisions.

The applicant is proposing to amend the protective overlay provisions for Parcel 9 of the NewMarket Square development. The proposed amendment to P-O #36 would allow "LC" uses on Parcel 9 except for the following exclusions: taverns, adult entertainment, car washes and drive-in/drive through restaurants, with the additional restriction that no overhead doors would be permitted on the west or south facades of any building on Parcel 9. The number of buildings allowed on Parcel 9 would increase

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from one to two buildings. Other provisions of the protective overlay (building coverage, gross area, and height) would be unchanged.

Currently, Parcel 9 is zoned "LC" Limited Commercial, but is restricted to "GO" General Office uses except residential uses. This would not allow the parcel to be developed with retail uses, restaurants, and other similar commercial uses.

The area to the north, east and south is developed with commercial uses. Wal-Mart is located directly to the north, a bank is located directly to the east and a large furniture store is located directly to the south on Maize. The adjacent property to the west is a church. All other property to the west is low density (single-family) residential.

At the MAPC meeting held August 8, 2002, the MAPC voted (13-0) to recommend approval of the proposed amendment to Parcel 9 to permit all uses in the "LC" Limited Commercial district except taverns, night clubs in the City, and adult entertainment as defined by City Code, car washes and drive-in/drive-through restaurants and except residential uses. No overhead doors would be permitted on the west or south faces of any building on the parcel.

No protest petitions have been received.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the amendment to Protective Overlay #36 be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2002-00046

A02-14

A02-14 – ANNEX LAND AT THE SOUTHEAST AND SOUTHWEST CORNERS OF 13TH STREET NORTH AND 135TH STREET WEST. (District V)

Agenda Report No. 02-1813

The City has received a request to annex approximately 138 acres situated at the southeast and southwest corners of 13th Street North and 135th Street West. The site abuts the City of Wichita to the east. The property owner plans to develop the site as two separate subdivisions. The southeast corner will contain 188 single-family homes, and the southwest corner will contain 182 single-family homes. The property owner anticipates that both subdivisions will be fully developed within four (4) years.

Land Use and Zoning: The annexation area is presently in agricultural use and zoned "SF-20" Single Family Residential and "LC" Limited Commercial. Land surrounding the proposed annexation site is predominantly agricultural with residential homes to the east. Land to the south and west is zoned "SF-20" Single Family, and land north is zoned "SF-20" Single Family, "SF-5" Single Family, and "LC" Limited Commercial. Land east is zoned "SF-5" Single Family. The "SF-20" Single Family zoning of the subject property will convert to "SF-5" Single Family upon annexation and the "LC" Limited Commercial zoning will remain unchanged.

Public Services: Water and sewer lines exist approximately ¼ mile east of 135th Street West at the Hickory Creek Estates Addition. The sewer extensions will be 8" lines with 100% paid by the developer. The City will ask the developer to participate in a sewer main cost at approximately \$0.05/sf of development. The water supply lines will be 12" lines along 13th Street North and a 20" line along 135th Street West. For an 8" equivalent water supply line, the developer will pay approximately \$52,000 for both developments. The City Water Department will pay for the oversizing at a cost of approximately \$80,000.

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Street System: The property proposed for annexation has access to 13th Street North (two-lane gravel road), which serves the area as the nearest east-west road, and 135th Street West (two-lane gravel road), which serves the area as the nearest north-south road. As part of the platting requirements, the property owner will be responsible for paving to County standards 13th Street North from approximately ¼ mile west of 135th Street West to approximately ½ mile east of 135th Street West. There are also plans for sub grade modification and bituminous surfacing of 13th Street North from 135th Street West to approximately ¼ mile west of 119th Street West in the Sedgwick County 2002-2006 C.I.P.

In the City of Wichita 2002-2011 C.I.P, there are plans to construct urban paving on 135th Street West from 13th Street North to Central. Also, the property owner is anticipated to guarantee construction of a left turn bay on 135th Street West at Alderny Court.

Public Safety: Fire services to this site can be provided within a fourteen (14) to fifteen (15) minute approximate response time from City Station #16 located at 1632 North Tyler or from City Station #17 located at 10651 West Maple. However, the City Fire Department reports that a new fire station will be completed near 13th Street North and 135th Street West in 2007, which will significantly reduce response times to the proposed annexation area. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: Swanson Park, a 93-acre park, is located approximately 2.5 miles east of the proposed annexation site. A bike pathway is proposed along 13th Street North in the 1996 Parks and Open Space Plan.

School District: The property is located in Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Comprehensive Plan.

The current approximate assessed value of the proposed annexation area is \$26,000 for agricultural land. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$245 in City annual tax revenues for the property. The future assessed value of this property will depend on the timing of development and the current mill levy. However, the property owner projects an overall appraised value of \$39,576,000 when both residential developments are completed, resulting in an assessed value of \$4,551,240. Assuming the current City levy remains about the same, this would roughly yield \$142,936 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A02-14

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Knight moved that the Airport Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

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AIRPORT

BOARDING ASSISTANCE DEVICES FOR DISABLED PASSENGERS.

Agenda Report No. 02-1814

The Department of Transportation is requiring airports and air carriers to provide boarding assistance to individuals with disabilities by using ramps, mechanical lifts, or other suitable devices where level-entry boarding by loading bridge or mobile lounge is not available for aircraft with a seating capacity of 31 or more passengers.

The airport plans to purchase two boarding assistance devices to comply with these requirements.

The two boarding devices are estimated to cost \$30,000 each, and will ultimately be funded with an FAA grant and Passenger Facility Charges. Airport revenue will be used as interim funding.

Motion -- carried

Knight moved that the project and capital budget be approved. Motion carried 7 to 0.

AIRPORT

AIRFIELD PAVEMENT – TERMINAL APRON PHASES I AND II; AND RUNWAY SHOULDER/BLAST PAD REHABILITATION.

Agenda Report No. 02-1815

On March 5, 2002, the City Council approved a bid submitted by Paver's Inc. in the amount of \$544,293 for the rehabilitation of the terminal apron (Phases I and II) and rehabilitation of Runway 1R/19L shoulders and blast pads on Wichita Mid-Continent Airport.

A change order will be prepared to adjust final quantities for the terminal apron rehabilitation and the Runway 1R/19L shoulder and blast pad rehabilitation.

The change order will require a budget increase of \$65,000. The project is being funded with an approved FAA grant and Passenger Facility Charges. Airfield pavement is included in the 2002 Capital Improvements Program and will allow for the requested increase.

The change order will be approved by the Law Department and will be reviewed and approved by the Federal Aviation Administration.

Motion --carried

Knight moved that the budget be approved. Motion carried 7 to 0.

AIRPORT

TENANT FACILITY IMPROVEMENTS.

Agenda Report No. 02-1816

The 2002 Capital Improvements Program (CIP) includes a project for tenant facility improvements. On January 8, 2002 City Council approved a project for improvements to the FAA tenant facilities. The FAA is now desirous of making additional improvements.

The FAA has studied its current needs and is desirous of implementing changes for an additional office. Changes include carpet replacement, reallocation of work space, telephone and electrical work.

The additional improvements are estimated to cost \$115,000. The tenant improvement portion of this amount, estimated to be 60%, will be funded by a lump sum payment from the tenant with the structure/infrastructure related portions being funded from airport revenues. The adjustment will result in a project budget of \$315,000. RECOMMENED ACTION:

Motion --carried

Knight moved that the budget be approved. Motion carried 7 to 0.

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HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

Knight moved that the Housing Agenda be approved in accordance with the recommended action shown thereon. Motion carried 8 to 0. Inafay Grays-McClellan, Housing Member, is also seated with the City Council.

HOUSING

REPORT OF PUBLIC HOUSING CAPITAL IMPROVEMENTS.

Agenda Report No. 02-1817

The City of Wichita Housing Authority (WHA) Capital Fund Program will make all necessary capital improvements and corrections of deficiencies in the WHA rental inventory to ensure the long term physical and social viability of WHA developments. The Program is also used to upgrade the management operations of the WHA to assure the ability of staff to serve the housing needs of low to moderate income families. This report covers the current status of all Capital Fund improvement projects.

The 2000, 2001 and 2002 Capital Fund grants are in the amounts of \$1,192,646, \$1,216,704 and \$1,159,577 respectively. The 2000 grant has been expended with the exception of one obligated project. The 2003 through 2005 budgeted amounts are estimated on the basis of the 2002 grant amount.

There are no financial considerations.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 8 to 0.

HOUSING

REPORT OF PUBLIC HOUSING OCCUPANCY.

Agenda Report No.02-1818

This update provides the current status of all Public Housing Units under make ready status, Capital Fund Program and vacant units ready to be leased.

As of August 26, 2002, 15 units are in make ready status, 4 units are in the Capital Fund Program and 13 units are waiting to be leased. The total of 32 vacancies represents an occupancy rate of 94.4%. Property Managers leased 11 units during the month of June. One Greenway Manor apartment has sustained damage in a fire and will be tracked separately during the process of insurance settlement and rehabilitation.

There are no financial considerations.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 8 to 0.

HOUSING

SECTION 8 STATISTICAL MONTHLY REPORT.

Agenda Report No. 02-1819

The Section 8 Housing Assistance program allows Housing Authorities to assist as many families as can be assisted with the funds allocated. The Wichita Housing Authority has been approved to administer 2508 allocations.

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August 2002:

	<u>Number</u>	<u>Number</u>	<u>Over (Under)</u>	<u>Annual</u>	<u>Annual Rate</u>
<u>Program</u>	<u>Allocated</u>	<u>Committed</u>	<u>Committed</u>	<u>Lease-Up</u>	
Voucher	2055	1890	(165)	2098	99.1%
Fair Share (2002)	156	156	0		
Mainstream (2002)	75	75	0		
SPC	102	149	47		
Mod Rehab	58	29	(29)		
Certificate	35	46	11		
Portable	27	27	0		
TOTAL	2508	2372	(*136)		

*Number of vouchers available for the Housing Choice Voucher Program due to positive and negative termination of clients. All vouchers issued for Fair Share and Mainstream are committed.

Due to many variables such as voucher and certificate holders finding and leasing a property that does not require the maximum subsidy, we are able to assist additional units and remain within budget.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 8 to 0.

HOUSING

2002 SECTION 8 VOUCHER REVISED HUD BUDGET.

Agenda Report No. 02-1786

The Department of Housing and Urban Development (HUD) approved a total Annual Budget Authority of \$11,731,555 for the City of Wichita, Wichita Housing Authority for the 2002 Section 8 Voucher Program, \$825, 046 more than the Original Grant budget submitted for \$10,908,508. The Original Budget submittal did not include 75 vouchers and a FSS grant approved by HUD after the Original Grant budget was submitted. A new estimate using 8 months of current year costs indicates that an estimated additional amount of \$345, 560 will be required and provided by HUD. To receive this amount a revised budget must be submitted to HUD for approval.

The Section 8 Voucher program needs to transfer \$33, 000 from Personal Services to Commodities (software and computers) for the purchase of Housing Inspection Software and handheld computers for use by Section 8 inspectors in the field and Contractual Services (travel/training) for a consultant to train the inspectors.

Listed below is a schedule of the original and revised "funds required" to complete the 2002 grant year. The revision will be totally funded by HUD with funds allocated for the Wichita Housing Authority.

	<u>Revised Budget</u>	<u>Original Budget</u>	<u>Budget Increase</u>
FSS Coord. Grant	\$ 88,808	\$ 47,000	\$ 41,808
Housing Pymnts	\$ 9,945,792	\$ 9,675,768	\$ 270,024
Admin. Fee	\$ 1,183,269	\$ 1,149,541	\$ 33,728
Hard to House	\$ 30,000	\$ 30,000	\$ 0
Audit Costs	\$ 6,200	\$ 6,200	\$ 0
Total Funds Req .	\$11,254,069	\$10,908,509	\$ 345,560

WHA requests that the Section 8 Voucher Personal Services budget be reduced by \$33,000 and the Commodities and Contractual Services budgets increased by \$33,000. This budget transfer will cover estimated costs for the purchase of Housing Inspection Software and handheld computers for \$29,000 and Training expenses of \$4,000. The Section 8 Administrative Budget previously approved for \$1,530,007 will not change.

The budget revisions were reviewed and recommended for approval by the Housing Advisory Board.

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The changes to the budgets will only impact WHA federally funded budgets. The 2002 Housing Assistance Payments (HAP) Budget will increase by \$270,000 and HUD will fund all increases. There is no impact on the City's non-federal budget.

Board approval is required for all grant budget changes of \$10,000 or more.

Motion --
-- carried

Knight moved that the budget changes and grant increases be approved; and the necessary signatures be authorized. Motion carried 8 to 0.

ADJOURNMENT

The City Council meeting adjourned at 12:36 p.m.

Pat Burnett CMC
City Clerk